

REPORT AND RECOMMENDATIONS OF THE
CALIFORNIA FAIR EMPLOYMENT AND HOUSING COMMISSION

PUBLIC HEARINGS ON
RACIAL, ETHNIC, AND RELIGIOUS CONFLICT
AND VIOLENCE IN CONTRA COSTA COUNTY

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JOANNE A. LEWIS
Director
DEPARTMENT OF FAIR
EMPLOYMENT & HOUSING
1201 "I" Street, Suite 211
Sacramento, CA 95814

DAVID A. GARCIA A.
Executive and Legal
Affairs Secretary
FAIR EMPLOYMENT & HOUSING
COMMISSION
30 Van Ness Avenue, 3rd Fl.
San Francisco, CA 94102

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(Note: Citations to the transcript are abbreviated M, T, and W, for Monday (10/5/81), Tuesday (10/6/81), and Wednesday (10/7/81), respectively. Citations to the exhibits are abbreviated Exh.)

I.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The purpose of these hearings was four-fold.

First, to provide a forum for individuals to identify the sources of and factors contributing to racial, ethnic, and religious conflict and violence in Contra Costa County and to offer proposals for solutions to these problems. Second, to clarify the role and ability of the community, governmental entities, and concerned residents to respond to such problems as they occur. Third, to take proposals for improving race and community relations to formulate a model that can be utilized by Contra Costa County and other locales to prevent and respond to racial, ethnic, and religious conflict. Fourth, to determine whether conflict, violence, and harassment is ongoing and what additional actions are required to halt such occurrences.

The Commission finds that there has been an upsurge in racial and ethnic conflict and violence in recent years in Contra Costa County, and that local government, law enforcement, and the schools were not well-prepared, and in some instances less than willing, to deal with the causes and possible solutions to violence, harassment and the underlying problem of race relations generally. The Commission believes that the public hearings and resulting report and recommendations will assist the resolution of conflict and violence in the county. The Commission calls upon all



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individuals, organizations, local government, and the schools in Contra Costa County to implement the recommendations contained in this report.

The following is a summary of the Commission's findings and recommendations on racial, ethnic, and religious conflict and violence in Contra Costa County:

A. Background: Racial Tension, Segregated Housing Patterns, Discriminatory Housing Practices

Findings

1. There is a history of racial tension and segregated housing patterns in west Contra Costa County.
2. Discriminatory practices in the housing sales industry inhibit fair housing and tend to maintain segregated housing patterns.
3. Development of the Hoffman Freeway and the Marina area in Richmond will likely negatively impact the Black community.
4. The patterns of unincorporated and incorporated areas in Contra Costa County suggest that unincorporated areas remain politically weak and without the benefit of city services and local representation.

Recommendations

1. Persons who believe they are victims of housing discrimination should assert their legal rights, and should contact the Department of Fair Employment and Housing. If contacted immediately, the Department of Fair Employment and Housing may seek a court order preventing the sale or rental of housing where discrimination has occurred. The Department maintains housing discrimination telephone hotlines at (415) H-O-U-S-I-N-G and (213) H-O-U-S-I-N-G.
2. The real estate industry should more rigorously police itself to eliminate discriminatory housing practices. Real estate agents must be educated against discriminatory and unlawful practices. Real estate industry groups in Contra Costa County should publicly condemn the practice of racial steering.

3. The Department of Fair Employment and Housing, in conjunction with community organizations, should continue to monitor sales, rental, and loan practices in the county housing market for violations of the Fair Employment and Housing Act and the Unruh Civil Rights Act.

4. Local government must provide replacement housing for residents displaced by its development decisions.

5. The City of Richmond should assess the impact of the Marina and Hoffman Freeway Projects in light of the city's housing goals.

6. Local government must be responsible for the social impacts of its decisions regarding public works, housing and commercial development, and social services. Residents of affected communities must work with government to assure positive results and avoid negative impacts.

7. Residents of unincorporated areas should consider whether incorporation would result in more responsive government services.

8. The business community sector must provide increased job creation and economic development in local communities.

B. Incidents of Racial and Ethnic Violence in Contra Costa County

Findings

1. Black, Hispanic, and other minority families have been subjected to terroristic acts of racial violence and harassment, including physical attacks, deliberately set fires, shootings, threats, and assaults with motor vehicles.

2. Minority families who have moved into predominantly white, middle income neighborhoods have frequently been the victims of racial violence and harassment.

3. Neighborhood and community support is crucial to the elimination of racial violence and harassment.

Recommendations

1. Neighbors and residents must work to change the moral climate of their communities to prohibit racial prejudice and end racial violence. Neighbors must immediately and visibly condemn racial violence when it occurs.

The Government of the United States and the Government of the United Kingdom have agreed to the following terms of reference for the Commission on the Causes and Prevention of the War of 1914.

1. To investigate the causes of the war of 1914 and to report thereon to the Governments of the United States and the United Kingdom.

2. To consider the measures which should be taken to prevent a similar war in the future.

3. To make such recommendations as may be necessary for the purpose of securing the maintenance of peace and the prevention of war.

4. To report to the Governments of the United States and the United Kingdom on or before the 1st day of January, 1915.

5. To be empowered to call upon the Governments of the United States and the United Kingdom for such assistance as may be required for the purpose of carrying out the Commission's duties.

6. To be empowered to make such arrangements as may be necessary for the purpose of carrying out the Commission's duties.

Witness my hand and seal at the City of Washington, this 1st day of January, 1915.

JOHN D. LONG, Secretary of War, United States of America.

WILLIAM L. GIBBS, Secretary of State, United Kingdom.

IN WITNESS WHEREOF, the said Secretaries of War and State have hereunto set their hands and seals at the City of Washington, this 1st day of January, 1915.

JOHN D. LONG, Secretary of War, United States of America.

WILLIAM L. GIBBS, Secretary of State, United Kingdom.

2. Law enforcement authorities must be better prepared to investigate and prosecute perpetrators of racial violence and harassment. Victims must be assured that they will be protected by law enforcement.

3. The school system must confront problems of racial and ethnic polarization among its students.

4. Community, neighborhood, business, labor, civil rights, and religious organizations should actively work to improve race relations.

C. The Ku Klux Klan

Findings

1. The Ku Klux Klan is present and active in Contra Costa County.

2. The Ku Klux Klan has actively recruited members in Contra Costa County.

3. There are indications that the Klan in California is stockpiling weapons and conducting paramilitary training.

4. The Ku Klux Klan and Klan symbols and methods have been involved in acts of racial violence and harassment in Contra Costa County.

Recommendations

1. The District Attorney, Sheriff's Department and local police departments must vigorously investigate and prosecute crimes in which Ku Klux Klan members or symbols are involved.

2. The Commission urges the news media to take their coverage of Ku Klux Klan stories beyond the focus on the sensational. Accurate and analytical coverage serves to alert the public to the dangers of the Klan.

3. The Contra Costa County Board of Supervisors, local city councils and school boards should publicly condemn Ku Klux Klan operations in the county.

4. Members and sympathizers of the Ku Klux Klan are urged to reject that organization and to work with all ethnic and religious groups to address economic and social problems.

5. Law enforcement authorities must monitor paramilitary training camps for weapons violations.

6. School authorities should discourage Klan recruitment efforts and the dissemination of Klan literature on or near schools.

D. Youth Gangs

Findings

1. Law enforcement officials recognize that youth gangs are a threat to peace in the community.
2. Numerous youth gangs operate in Contra Costa County.
3. Gangs are generally drawn along racial lines. Many white gang members profess racist attitudes, look upon the Ku Klux Klan as a model, and seek to emulate the Klan. To this end, they may adopt Klan symbols and tactics.
4. Action by youth families, community and church groups, the business sector, schools,, law enforcement, and government is necessary to help youth develop positive roles in society.

Recommendations

1. Parents and families should be aware that youth gang violence exists in their communities, and should counsel youth about more productive activities.
2. Schools, churches, and community groups should work with youth to provide constructive alternatives to gangs. There have been successful efforts of this kind in Oakland such as the East Oakland Community Values Program, where youth and community resources have worked together to transform youth gangs into organizations which combat crime and vandalism, develop employment, and involve youth in the life of the community. The Commission urges youth in Contra Costa County to seek such efforts from local government, the schools, mental health and juvenile justice resources, church and community groups.
3. The private sector must provide employment opportunities for teens and young adults and contribute funds and volunteers for youth-serving organizations and programs.

E. Law Enforcement

Findings

1. The Sheriff's Department often did not provide a timely response to calls for assistance.

2. Members of the Sheriff's Department exhibited a failure to assist victims, reluctance to investigate incidents, confusion and unpreparedness to respond to racial violence and harassment.

3. In some instances, members of the Sheriff's Department disparaged the victims and blamed the victims for bringing on incidents of racial violence.

4. Recruitment, training, and racism within the Sheriff's Department impede its ability to respond to racial violence and harassment in the community.

5. Witnesses reported slow response, negative attitudes, and brutality by the Richmond Police Department.

6. Although Richmond has a predominantly minority population, the Richmond Police Department has an almost absolute lack of minority representation in its command structure.

7. The Richmond Police Department's internal affairs, training and evaluation functions have been criticized, and are the subject of a judicial consent decree.

Recommendations

1. Law enforcement agencies must treat racially-motivated incidents seriously. Management must impress upon law enforcement personnel that racial violence and harassment cannot be dismissed as youthful pranks or vandalism.

2. Police reports on incidents of harassment, vandalism, assault, etc. must reflect racial motivation when it is present. The presence of Ku Klux Klan, Nazi, or other symbols of racial, ethnic, or religious motivation should be reflected in police reports. This would enable courts prosecutors and civil rights enforcement agencies to assess and act upon such incidents more effectively.

3. Management should ensure that officers make it known to the public that racial violence and harassment will not be tolerated by law enforcement.

4. The county Board of Supervisors must allocate funds to allow increased Sheriff's patrols in unincorporated areas. Patrol officers should be assigned in a manner

which allows law enforcement to maintain an ongoing familiarity with residents and events in the community.

5. Training, at both the academy level and on an in-service basis, must emphasize human relations skills in an multi-ethnic environment. Cooperation from local community and civil rights organizations should be sought in providing such training.

6. Management must be committed to implement affirmative action to remedy underrepresentation of minority groups in law enforcement.

7. Management must not tolerate racial harassment within the ranks of law enforcement. Perpetrators of such harassment must be identified and disciplined.

8. The Human Relations Response Team should be expanded to include representatives from local community groups and civil rights organizations.

9. The District Attorney should appoint a management level attorney to monitor race-motivated crimes, and to bring charges for civil rights as well as criminal violations whenever appropriate.

10. The District Attorney should continue to prosecute race-motivated crimes.

11. The issue of police-community relations and allegations of unnecessary force or brutality must be confronted by joint police and civilian review.

12. Law enforcement authorities should be available to meet with community groups to explain preventative measures against racial violence and to alert residents on procedures for reporting incidents.

F. Schools

Findings

1. School segregation continues in west Contra Costa County.

2. Schools are not immune from the negative impact of racial violence in the broader community.

3. Evidence establishing the existence of racial tensions at three of the local high schools was presented to the Commission.

4. The school board and the school administration have attempted to ignore, or deemphasize, the existence of racial tensions within the schools.

Recommendations

1. The school board must adopt aggressive, affirmative measures to resolve racial problems in the schools as soon as they are identified.

2. A strategy to curtail racism should begin with the school curriculum.

3. Guidance and counselling services must anticipate problems, and focus efforts on dispelling tensions before incidents occur.

4. The district must increase the number of minority teachers and counselors on its staff.

5. Parents and students must be informed and involved in the district's efforts toward racial harmony.

6. The district must cooperate with community agencies - responsibility for the lives of the students does not cease at the end of the school day.

7. The ethnic diversity of the community should be valued, not ignored.

8. The school district should provide in-service training to teachers which will improve their intergroup communications and conflict resolution skills.

G. Community Groups

Findings

1. Community residents define the moral climate of their neighborhoods. Community attitudes can be changed to stem racial violence.

2. Community groups played an important role in opposing racial violence and supporting victimized families, but there was not a community-wide consensus against racial prejudice or violence.

3. There are many organizational resources within the community which can be utilized to curb racial tension.

Recommendations

Community and religious groups should:

1. Actively solicit participation by all persons in the community to fight racism and racial violence.
2. Establish on-going organizations which will work with residents, mediate disputes informally where possible, work with law enforcement and the schools to identify and reduce racial violence.
3. Establish rewards for information leading to the arrest and conviction of perpetrators of racial violence.
4. Organize community and interfaith forums to educate residents on the problems of racism, violence and the need for neighbors to look out for each other.
5. Work with youth gangs to establish constructive outlets for their energy, frustration, and fears. E.g., California Conservation Corps, East Oakland Community Values Program, Guardian Angles.
6. Maintain a system for community patrols and watches if necessary.
7. Work with all racial and ethnic groups to encourage them to speak out against racism.
8. Demand that the school board take steps to educate children about the dangers of racism and racial violence.
9. Demand that the school board take steps to educate children about the dangers of racism and racial violence.
10. Unite in efforts sponsored by other community groups in other areas to strengthen their effectiveness.
11. Organize rallies, celebration, moratoriums, festivals, etc., to promote community interaction and racial harmony. Work with local government in organizing such activities.
12. Monitor KKK-type activities.
13. Work with media so that views opposing racist and violent ideology get equal time as that given to hate groups.

14. Call on political leaders on all levels of government to speak out against racism and violence.

15. Organize speakers to educate students on problems of racism, gangs, and racial violence.

16. Demand that law enforcement be sensitive to racially-motivated incidents, and that minority groups are represented in law enforcement agencies.

H. Legislation

Findings

1. Existing state and federal civil rights laws should be utilized against racial, religious, and ethnic violence and harassment and housing discrimination.

2. Legislation has been proposed which would more strictly prohibit acts of racial, ethnic, and religious violence and terror.

Recommendations

1. The Department of Fair Employment and Housing, the Attorney General, District Attorney, police and sheriff's departments must vigorously enforce the Unruh Civil Rights Act (Civ. Code, §51) and the Ralph Civil Rights Act (Civ. Code, §52). Violations of one or both of these Acts are likely involved where there are acts of racial, ethnic, or religious violence or harassment.

2. State and local authorities should seek the assistance of federal enforcement agencies such as the Department of Justice when there is evidence of violence of federal civil rights laws.

3. Government and the community should support the passage and enforcement of laws against acts of racial, ethnic, and religious violence and terror.

4. The legislature should adopt legislation directing the Commission on Peace Officer Standards and Training (POST) to require all law enforcement agencies within its jurisdiction to provide training in the resolution of racial conflict and violence.

5. The legislature should adopt legislation directing the Department of Education to mandate curriculum designed to promote racial, ethnic, and religious harmony and understanding, and to provide students an accurate portrayal of hate groups such as the Ku Klux Klan and Nazis.



6. The legislature should adopt legislation directing local law enforcement agencies to monitor the activities of violent and racist groups such as the Ku Klux Klan and Nazis.

7. The legislature should adopt resolutions condemning racial, ethnic, and religious conflict and violence.

II.

INTRODUCTORY STATEMENT

The Fair Employment and Housing Commission conducted these hearings pursuant to Government Code section 12935, subdivision (f) which provides that the Commission shall have the function, power and duty:

"To hold hearings, subpoena, witnesses, compel their attendance, administer oaths, examine any person under oath and, in connection therewith, to require the production of any books or papers relating to any matter under investigation or in question before the commission."

By letter dated May 5, 1981, Joanne A. Lewis, Director of the Department of Fair Employment and Housing, requested that the Fair Employment and Housing Commission hold public hearings on racial violence in Contra Costa County. (Exh. 1.)

In recognition of the increasing incidents of racial, ethnic, and religious conflict of violence in Contra Costa County, and the public support for hearings, the Commission decided to hold these public hearings.

On October 5, 6, and 7, 1981, the Commission held public hearings at the Richmond Memorial Auditorium, Richmond, California. Members of the public, representatives of community organizationa, local, state, and federal officials and their representatives gave testimony and were examined under oath by staff members Dale L. Brodsky, David B. Oppenheimer and Rudolph C. Portis of the Department of

Fair Employment and Housing. Numerous written exhibits were presented by witnesses and the Department, and were marked and received into the record by the Commission.

This report of findings and recommendations is issued pursuant to Government Code section 12935, subdivision (i), which provides that the Commission shall have the function, power and duty:

"To issue publications and results of inquiries and research which in its judgement will tend to promote good will and minimize or eliminate unlawful discrimination."

This report of findings and recommendations was adopted by the Commission at its April 8, 1982 meeting.

The Commission commends the many private individuals, public officials and community organizations whose interest and participation were essential to these hearings.

The Commission thanks the Department of Fair Employment and Housing whose staff provided the investigative, logistical, public information, and organizational work without which these hearings would not have been possible.

Commission staff assigned to these hearings and report included Executive and Legal Affairs Secretary David A. Garcia A., Commission Counsel Ramona A. Armistead, Steven C. Owyang, and Emily E. Vasquez, Executive Secretary Eronia Hunt, Legal Typists Reynold T. Alford and Cynthia L. Jones, and Law Clerk Christine Brigagliano.

III.

FINDINGS AND RECOMMENDATIONS

A. Background: Racial Tension, Segregated Housing Patterns, Discriminatory Housing Practices

Findings

1. There is a history of racial tension and segregated housing patterns in west Contra Costa County.

"When I first came to Richmond along with one of my relatives in 1942, we stepped off the train here at 16th and MacDonald, and walked about a block away to a cafe called The Ring Hut, where we were refused service. . . . I know a minister who was invited to share a home with a white man, a photographer, and his home was attacked and his photographic equipment was smashed and his home was torn up." (T36-37.)

So testified Cleophus Brown, a longtime Black resident of the county, member of the Contra Costa Human Relations Commission, and a founding member of the Richmond Chapter of the NAACP. Racial tension is neither a new nor recent phenomenon in west Contra Costa County. The area has had a history of troubled race relations since World War II, when large numbers of Blacks and southern whites were brought in to work in wartime shipyards.

Between 1941 and 1943 four Kaiser shipyards were built in Richmond, which at their peak employed 115,000 workers. Obviously, neither Richmond nor the surrounding area could supply this manpower; therefore, company recruiters scattered throughout the land to persuade families to relocate in Richmond. These

efforts were particularly fruitful in the south and southwest, and tens of thousands of workers - black and white - were soon being brought into the city. One study of the workers at yards showed that about half the newcomers, both black and white, came from Oklahoma, Arkansas, Texas. So great was the influx that in three years between 1940 and 1943 the population jumped about 300 percent, from 23,643 (of whom just over 1 percent were black) to 93,738 (of whom 6 percent were black). By 1947, two years after the war, the count stood at 101,519 - of whom 14 percent were black, an increase in the black population of about 5,000 percent in the seven-year span.

From the outset, relations between blacks and whites were tense and antagonistic. Obscenities such as "nigger," "jigaboo," or "zigaboo" were common. Commenting on her observations, Kathleen Archibald wrote: "In most of the whites the hatred was basic, a deep-seated and strong flavored aversion that was evident in almost every gesture or remark. . . ." In these circumstances, violence was imminent, always just below the surface.

In addition, the promise of northern "streets paved with gold" was not fulfilled for black workers who suffered severe discrimination on the job. Many of the craft unions at the shipyards had national constitutions that proscribed black membership. Since the yards operated under closed shop contracts, this effectively denied craft jobs to black workers. Moreover, both white employees and their supervisors

thought of blacks as mentally and morally inferior, unfit for any but the most menial tasks. Consequently, blacks were kept out of supervisory positions, except on rare occasions when they would supervise all black crews; and they were not hired for office or white-collar positions. In sum, only the menial unskilled jobs fell to blacks. (Exh. 29 Rubin, Busing and Backlash: White Against White in an Urban School District (1972, Univ of Calif. Press) pp.34-35, footnotes omitted.)

Cleophus Brown further testified:

"In 1941, President Roosevelt had to issue an Executive Order in order to get Blacks jobs in the shipyards. This was done as a result of the threatening march on Washington, headed by Mr. Randolph, who maybe you all know, who was President of the Sleeping Car Porters. But in spite of the order, the Boilermakers Union refused to allow Black shipyard workers in the union and set up a so-called auxiliary, wherein Blacks had their own union but had no voice, they had to join in order to work the shipyards.

Some of us refused to pay dues in that union, and this led to the famous Boilermaker Case, where Judge Buckley in Marin County made a decision as a result of our efforts that there would be no contact before the union was was concerned with the ship builders, unless they allowed people in the union on an equal basis. We won a few fights along the way." (T37-38)

Racial discrimination was not confined to employment. Although contributing their labor to the war effort against the racist Axis powers, Black workers were segregated in temporary projects built with federal funds.

"With the influx of shipyard workers from the South and other parts of the country, thousands of temporary war housing were built covering wide areas of Richmond. This housing was completely racially segregated block-by-block. The NAACP challenged this segregation, but there was an old State Assemblyman attached to Wallace who was head also of the Housing Authority, and he defended and maintained the segregation pattern which led to the ghettoization of Richmond." (Cleophus Brown, T37-38.)

"The federally financed workers' housing projects were completely segregated. By the peak year of 1943, 60 percent of the population of Richmond was living in these jerry-built structures that lined both sides of Cutting Boulevard from just below San Pablo Avenue almost to the bay, a distance of about three miles. In 1950, 78 percent of Richmond's black population still lived in the projects. During the war there were only two places in the city where black families could find housing - the black projects and North Richmond, a scantily populated shantytown that turned into a swamp with the first winter rain. Housing segregation in Richmond continues to be acute; the patterns that were established in those early years still prevail." (Exh. 29, Busing and Backlash, p.36.)

Segregated housing patterns continued long after the war. Blacks and other minorities, exercising their rights to reside in neighborhoods of their choice, have encountered resistance and sometimes violence.

"When the shipyards closed down, a big push was on to get rid of public housing by those who wished to see Richmond return to its prewar white composition. There was a long

struggle by civil rights people of all races to keep the war housing until permanent housing could be built. The employers and merchants of Richmond did not join in that struggle. The city government of Richmond did not fight to have permanent housing built before the demolition of the war housing. Many of our people were driven from Richmond because of that failure, and because real estate interests had established restrictive covenants in Richmond to prevent Blacks from buying or renting homes or apartments. Even though restrictive covenants were outlawed, real estate interests continued discrimination in yet another way. As White homeowners and renters advanced up the economic ladder and moved into better housing, their abandoned areas were the only place for Blacks to be able to own or rent. Even then, as noticed by the Bean case outside of Richmond and the Gary case in Rollingwood, violence met Blacks who bought homes, whether in or outside of the ghetto areas. Thus, the ghetto pattern has been largely maintained to the present day." (Cleophus Brown, T38-39.)

"Soon after the war ended, suburban development began, and large numbers of whites moved out of the city. In the decade from 1950 to 1960, Richmond's population fell from 99,544 to 71,854, while the population of Western Contra Costa County (roughly the territory of the RUSD [Richmond Unified School District, which includes Richmond, San Pablo, El Cerrito, Kensington, Rollingwood, Tara Hills, Montalvin, El Sobrante, Pinole, and Hercules]) remained relatively stable - 155,200

to 158,600 - indicating a large-scale internal migration, mostly of young white families from the central city to San Pablo, Pinole, and the burgeoning suburban areas of El Sobrante, Rollingwood, and Tara Hills - all now under the jurisdiction of the RUSD. During the following decade, the total population of the city showed little change (79,043 in 1970), but the ratio of white to black changed significantly. The white population decreased by 8,638 (15.4 percent), while the black population increased by 14,145 (99 percent). Blacks in 1970 comprised just over 36 percent of Richmond's population compared to 20 percent in 1960; whites in 1970 were about 60 percent compared to 78 percent ten years before." (Exh. 29, Busing and Backlash, pp.36-37 footnotes omitted.)

Currently, most of the RUSD black population is segregated into what is known locally as the Black Crescent, a ghetto that runs along the entire western edge of Richmond and is separated from the main city by physical boundaries roughly paralleling the Eastshore Freeway, the Sante Fe railroad spur, the Southern Pacific tracks, and the Sante Fe mainline. . . . The Richmond extension of the Bay Area Rapid Transit system follows these railroad routes. Its proposed several foot high barrier, referred to by local critics as the BART Wall, will further increase the visibility of the separation between the ghetto and the rest of the city. (Exh. 29, Busing and Backlash, p.36.)

2. Discriminatory practices in the housing sales industry inhibit fair housing and tend to maintain segregated housing patterns.

An audit of the real estate sales market in west Contra Costa County revealed that racial discrimination and racial steering continue as practices in the real estate industry. The audit, coordinated by Operation Sentinel under contract with the Department of Fair Employment and Housing, utilized Black and white testers matched closely by age, sex, general appearance, income, and family size. Large and medium sized real estate offices in Richmond, San Pablo, El Cerrito, and Pinole were audited. The results of Operation Sentinel's investigation were admitted as Exhibit 14 in the record, and titled "Housing Marketing Practices in West Contra Costa County: An Audit of Racial Discrimination in Housing."

The audit indicated that fifty percent of the time, more financial information was requested of Black testers than white testers. White testers were never required to provide more financial information than Black testers.

Further, the audit revealed instances of racial steering and racial references:

Specific Locations Suggested by Realtor

Perhaps the most significant indicator of serious sales effort is whether the agent identifies specific locations for the customer. Overall, black and white testers were both offered serious possibilities, although there appeared to be some difference in the number of listings offered to blacks and whites. Whites were given more listings 7 times (39%) and blacks 4 times (22%) while equivalent numbers of listings were offered 7 times (39%).

The next step in determining the seriousness of an agent's effort is whether s/he offered to show the house to the tester. This can include unsuccessful attempts by the agent to make an appointment to show or asking the auditor to return at another time. Blacks were offered homes for inspection 88% of the time; whites 100% of the time.

Another component in this category is housing actually viewed by the testers. This requires time invested by the agent and can be used to measure their interest in serving the client. Since most of the audits were performed during week-ends, one uncontrollable factor was whether the agent was alone in the office and therefore unable to show homes. The results were therefore inconclusive. It should be noted that at this point that one real estate agent refused to take the black tester in his car to inspect the homes and she had to follow in her own. Thus,

although technically the agent did show the client homes, she felt slighted and in normal circumstances would not have returned.

Location of Listings

The location of the listings provided is highly significant in determining whether there is a dual housing market, one for blacks and one for whites. Unless both blacks and whites are shown homes in all areas (primarily white or black as well as integrated areas) the resulting housing choices will most likely extend segregation in housing. The practice of showing areas according to the race of the homeseeker is known as "steering". If steering occurs, the composition of neighborhoods are directly influenced by the real estate industry. Seventy-eight percent (78%) of the time agents suggested predominantly black or integrated areas to black testers. Thirty-three percent (33%) of the time agents suggested these neighborhoods to white testers.

Although the North/East area of Richmond was shown to both black and white auditors, other areas of Richmond were shown only to blacks, and whites were sometimes verbally discouraged from looking in those areas. This included the North and West, College District, Balboa, and areas of Richmond and El Sobrante.

Black testers were given options to view homes in some suburbs which do not have a high proportion of minorities. However, it was not determined whether the minorities who do live in those suburbs are concentrated in certain sections. Fifty percent (50%) of the time



black testers were given suggestions in the suburbs while white testers received such suggestions 67% of the time. At 5 of the 9 real estate offices audited there was clear racial steering of one of the matched pairs of testers. At another 2 offices there was clearly no steering. At the last two offices it was unclear whether steering was being practiced. One example of clear steering: A white auditor visited a realtor and informed him he had a monthly income of \$3,400, \$14,000 available for a down payment, and was looking for a house in Contra Costa. The realtor told him to avoid anything below 23rd in Richmond, that El Cerrito and Pinole were good areas and suggested a \$108,000 house in Rodeo which, through creative financing, would be affordable. Later that day, the black tester visited the same realtor and told him he had a monthly income of \$3,350, \$18,000 to \$22,000 available for a down payment, and was seeking a home in Contra Costa. The realtor suggested he look in Richmond, and mentioned 6 homes within a 20 block radius bordering on, or below, 23rd Street. He informed the tester that he could afford a home from \$50,000 to slightly over \$100,000, but that he might need a larger down payment.

Racial Reference

Agents influence potential homeseekers not only by the listings given but also by comments made about race. Testers are trained to indicate unfamiliarity with communities and told to rely on information given by agents. The agents have the opportunity to help a homebuyer

decide on an area. Racial comments or derogatory remarks about communities definitely influence this decision making process. Agents may feel that they are "protecting" their client or the community but such comments discourage integration and promote segregation. Although a racial preference inquiry made by a black agent to a black tester might be considered normal, although illegal, it connotes that the race of an individual does in fact matter, even though "all housing is open". This might make the client have second thoughts about moving to "the white suburbs" and perpetuate segregation.

Racial references were made to white testers 5 times and black testers 3 times. Racial comments made to white testers in some instances were basically to discourage them from looking at homes in an interracial area. For instance, one agent said that he felt people are more comfortable living with their own kind. During another audit, the real estate agent gave the white tester a MLS and when she inquired what areas were nice ones to concentrate the search, he proceeded to outline what areas not to look in because blacks lived there. In other instances neighborhoods were simply described as "mixed".

In 5 additional instances, the white auditor was given derogatory remarks about an interracial area in a way which might be construed as racially motivated because the same information was not given the

black auditor. Examples are:
"Avoid Richmond"; "they've had
some problems in Tara Hills";
"This is a rough neighborhood";
"I wouldn't show you the College
District"; "Stay below 23rd".
(Exh. 14, italics in original.)

The implications of continued discriminatory practices in the real estate industry are clear: segregated housing patterns are preserved and encouraged; Black and other minority families who wish to live in predominantly white neighborhoods will be subject to subtle and not-so-subtle efforts to keep or force them out.

3. Development of the Hoffman Freeway and the Marina area in Richmond will likely negatively impact the Black community.

Witnesses testified that the planned development of the Marina Project the Hoffman Freeway extension in Richmond will destroy a stable working class Black neighborhood and displace hundreds of Black families. The Marina Project will consist of housing for the affluent not affordable by the large majority of Black families. At the same time, concern was expressed that the Hoffman Freeway extension, in addition to displacing hundreds of Black families, will in effect be a wall separating the Black community from the Marina area. Cleophus Brown reported that the Marina Project developer stated that schools would be built so that Marina children will not have to attend schools in Black neighborhoods.

(T40-41.)

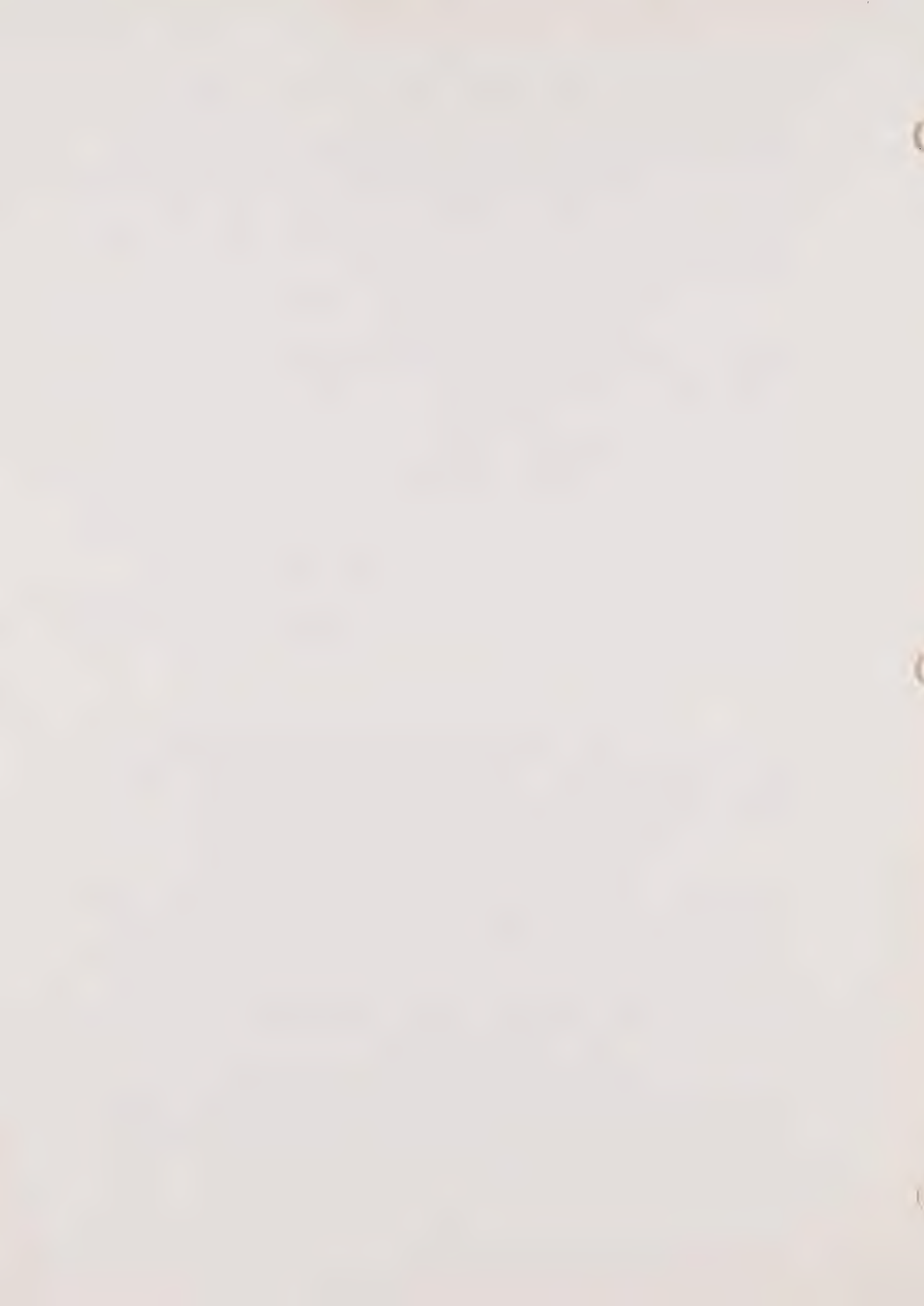


Lillie Mae Jones, who chairs the Richmond Neighborhood Council, expressed concern that families displaced by the Hoffman Freeway will not be able to find decent housing, safe from the attacks suffered by other families in the county. (W131.)

The City of Richmond has adopted long range housing policies whose goals are to provide attractive neighborhoods, ensure a variety of dwelling units appropriate to residents needs and incomes, eliminate housing discrimination, provide opportunities for all segments of the community to own their own home. (M22-23.) It would not appear that the above goals were considered in local government's decisions on the Marina Project and the Hoffman Freeway.

4. The patterns of unincorporated and incorporated areas in Contra Costa County suggest that unincorporated areas remain politically weak and without the benefit of city services and local representation.

An examination of a map of the Richmond, San Pablo, El Sobrante, and Pinole area of the county reveals serpentine and not immediately logical patterns of incorporated and unincorporated areas. The City of Richmond, for example, consists of the main body of the city which is connected by long, narrow necks of incorporated territory to areas around the Hilltop Shopping Center and residential areas above El Sobrante and Pinole. And although the City of Richmond



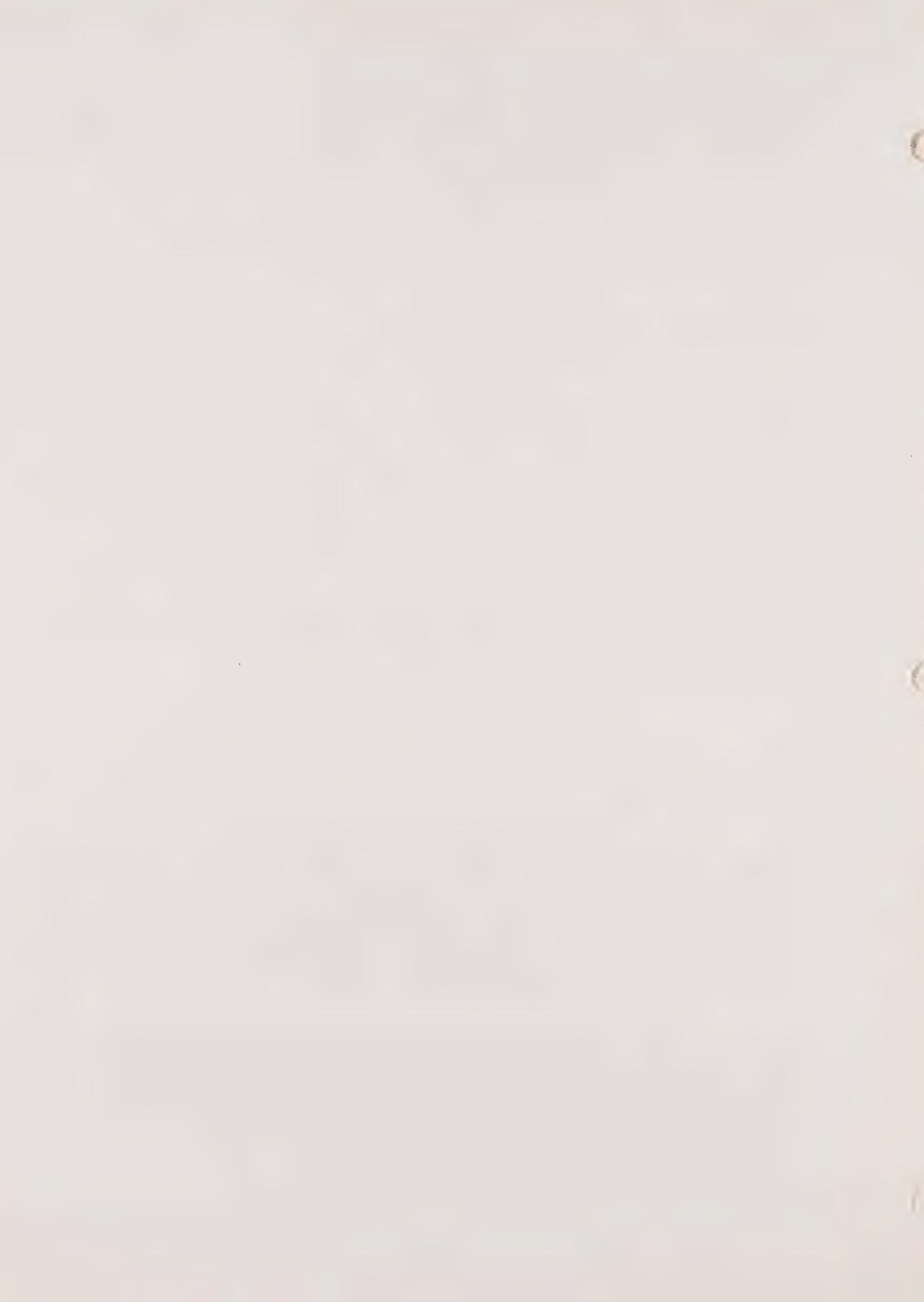
includes almost all the area west of the City of San Pablo to the bay, North Richmond remains unincorporated although surrounded by the City of Richmond. In addition, the Rollingwood and Tara Hills areas, although adjacent to and surrounded by the incorporated cities of Richmond, San Pablo, and Pinole, remain unincorporated.

Attorney Oliver Jones testified that low-income communities are skipped over while new middle-class subdivisions are very rapidly incorporated. (T91.) Jones observed that unincorporated areas tend to have less police protection, fewer public services and public works, and remain politically weak. He cited the examples of North Richmond and West Pittsburg, which has not been incorporated by the City of Pittsburg. (T91.)

Recommendations

1. Persons who believe they are victims of housing discrimination should assert their legal rights, and should contact the Department of Fair Employment and Housing. If contacted immediately, the Department of Fair Employment and Housing may seek a court order preventing the sale or rental of housing where discrimination has occurred. The Department maintains housing discrimination telephone hotlines at (415) H-O-U-S-I-N-G and (213) H-O-U-S-I-N-G.

2. The real estate industry should more rigorously police itself to eliminate discriminatory housing practices. Real estate agents must be educated against discriminatory and unlawful practices. Real estate industry groups in Contra Costa County should publicly condemn the practice of racial steering.



3. The Department of Fair Employment and Housing, in conjunction with community organizations, should continue to monitor sales, rental, and loan practices in the county housing market for violations of the Fair Employment and Housing Act and the Unruh Civil Rights Act.

4. Local government must provide replacement housing for residents displaced by its development decisions.

5. The City of Richmond should assess the impact of the Marina and Hoffman Freeway Projects in light of the city's housing goals.

6. Local government must be responsible for the social impacts of its decisions regarding public works, housing and commercial development, and social services. Residents of affected communities must work with government to assure positive results and avoid negative impacts.

7. Residents of unincorporated areas should consider whether incorporation would result in more responsive government services.

8. The business sector must provide increased job creation and economic development in local communities.

B. Incidents of Racial and Ethnic Violence in Contra Costa County

Findings

1. Black, Hispanic, and other minority families have been subjected to terroristic acts of racial violence and harassment, including physical attacks, deliberately set fires, shootings, threats, and assaults with motor vehicles.

2. Minority families who have moved into predominantly white, middle income neighborhoods have frequently been the victims of racial violence and harassment.

Many non-white residents of Contra Costa County have been subjected to terroristic acts of violence and harassment because of their race. A disproportionate number of the attacks have occurred in recently integrated communities, for example, Tara Hills, Rollingwood, El Sobrante, Rodeo, San Pablo, Pinole and parts of the City of Richmond.

A number of the victims of these racial attacks testified before the Commission in a public and open forum; the Commission recognizes and commends these witnesses for their courage and commitment to speak out against the kind of violence which they suffered. We are mindful that avowed members and supporters of the Ku Klux Klan were present during these hearings.

The Commission heard testimony on certain acts which in a different context might be dismissed as mere vandalism or the regrettable but commonplace fights and pranks of juvenile minds. Indeed, law enforcement's and



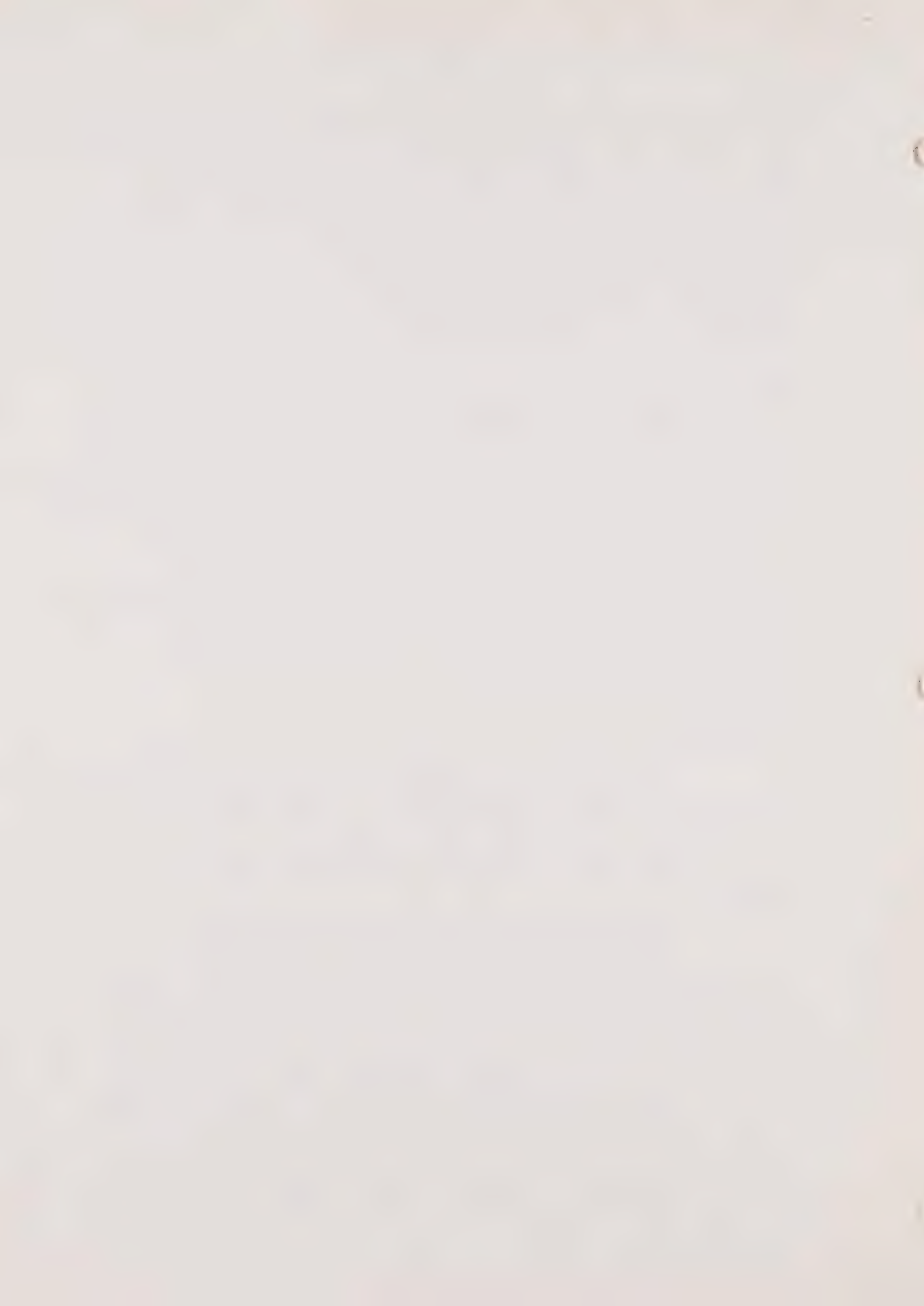
some residents' response to the series of racial incidents was to dismiss them in this manner. The Commission categorically rejects the characterization of racial harassment as anything other than what it is - acts motivated by racism, specifically directed at certain persons because of their race, intended to terrorize and humiliate because of race.

While some types of vandalism may be random or sporadic in occurrence, a Black or Hispanic family which has been the target of racial violence or harassment knows that it is not the victim of a random act, but a target specifically because of its race. Such a family justifiably fears repeated acts of terror, as was demonstrated in the incidents reported herein:

Tara Hills

Tara Hills is a predominantly white unincorporated community in Contra Costa County. In the fall of 1980 two Black families there were the victims of a series of violence assaults.

Mary Handy and her four children moved to Tara Hills from Richmond in 1978. Otis and Geraldine Ireland bought their house, close to the Handy residence, in the summer of 1980. Mrs. Handy recalled that the first day she moved in, eggs were thrown at her house, and tires were slashed on her car. (T238.) The week the Irelands moved in, eggs and rocks were thrown at their house and into their swimming pool. (T237.)



On November 8, 1980, a fight between Black and white teenagers occurred in front of the Handy home. One of the white youths involved was severely beaten. Because children of the Handy and Ireland families were present when the fight occurred, retaliation, intensified by overtones of racial hatred, was directed at both homes. (Exh. 3, Sheriff's Rept., p.1.)

On November 10, rocks, one nearly the size of a football, were thrown at the Handy house. On November 11, two white youths chased Lovette Moore, one of the Handy children, with a tire iron. He fled to the Ireland home; Mrs. Ireland called deputies who arrived an hour later, took a report, but refused to escort the youth home. (T248.) Later that day a 13 year old Black youth was chased through the neighborhood and beaten in the face by two white youths. (Exh. 3, Sheriff's Rept., p.1.)

On November 13, between ten and fifteen white youths armed with two by fours and baseball bats converged in front of the Ireland home yelling obscenities and racial epithets. Mr. Ireland called the Sheriff's department which came and broke up the crowd, but made no arrests. Members of the group complained to officers that an occupant of the house was involved in the attack on their friend, and they were dissatisfied with the sheriff for not arresting the Black youths whom they claimed were responsible. (Exh. 3, Sheriff's Rept., p.2.) On November 13, 15, 17, and 18 both

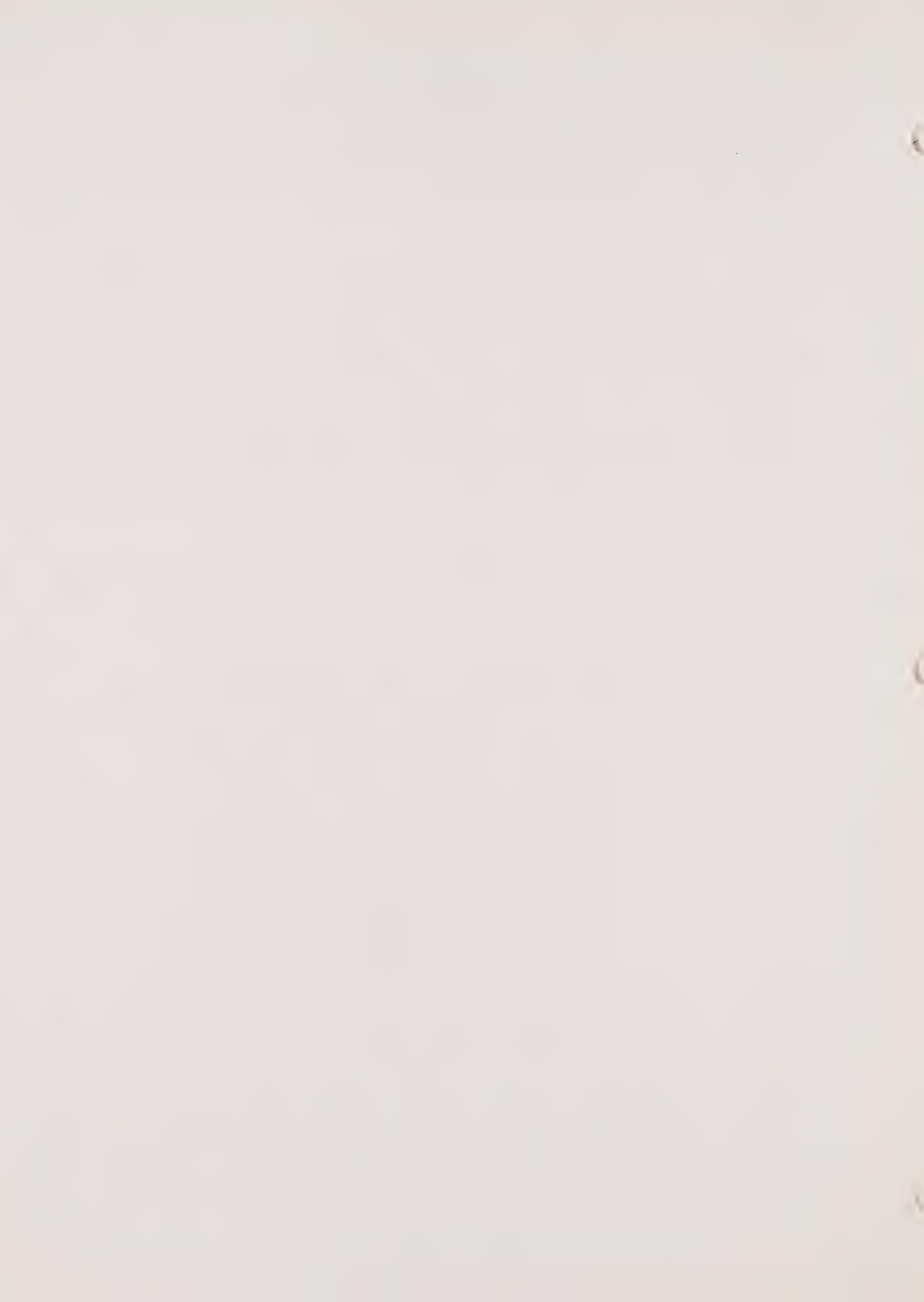
homes were repeatedly attacked with rocks and tires were slashed on a car sitting in front of the Handy home. On November 19, white youths threatened the life of one of the Ireland's sons.

Mrs. Handy's daughter was hit by a truck which tried to run her over. She was taken to the hospital for stitches on her head. (T238.) Handy thereafter received an anonymous letter signed by "White Unity of Pinole" threatening Handy and her family. The letter included the threat, "If you think you've got it bad now. You ain't seen nothing yet." (Exh. 30, see Appendix.)

A friend described the fear which dominated the lives of the victimized families in the fall of 1980:

"Well, I don't think anyone knows the inside. . . the experience that the families had to go through, behind, as I say, the closed doors. I think it was really terrible to see them nervous, you know upset, can't go visiting people. And everytime they left the home or something, they were not in what you call the ghetto. . . and they wanted to be in blocks where they would be quiet and live. . . we had to meet in the daytime because they was afraid to go home at night. . . they don't go anyplace at night." (T265-266.)

Throughout the month of November, the families continually complained to the Sheriff's Department, but to no avail. Unable to sleep at night, they finally contacted the media. Even after reports of the incidents appeared in the media, there was essentially no change in the response of the



Sheriff Department. Local residents, assisted by a regional community organizing group, instituted a neighborhood WATCH for the purpose of protecting the families. By its presence, the WATCH, which operated 24 hours a day, for the next several weeks effectively reduced the attacks on these two families. Nevertheless, for some, the fear of renewed attacks remains. Mary Handy no longer lives in Tara Hills. (T245.)

The Hernandez family are Hispanics who have lived in Tara Hills for seven years. Fourteen year old Robert Hernandez, Jr., attends Pinole Valley School. He remembered being greeted on his first day of school with ethnic taunts: "No chucos going to this school, no chucos." (T152-154.) The harassment is not limited to school, nor are his harassers only students. He testified that when he walks through his neighborhood, individuals wearing jackets of the "Next Phase" and "Blues Brothers" gangs frequently drive by and yell racial epithets from their cars. Once, on the way home from school, he was accosted by a knife-wielding individual. Another time he was followed by four individuals wearing Next Phase jackets. He was attacked, hit in the mouth, and had to have extensive dental work done as a result of the beating. Robert described another incident where about 18 youths gathered in his front yard. By the time deputies arrived one half hour later, the group was gone.

Robert could think of no reason, other than his ethnicity, for the attacks. He stated that his grades at school have suffered as a result of the harassment. (T152-163.)

Robert Hernandez, Sr., testified that his wife has been followed and is afraid to leave the house alone. His daughter has been spit upon and barraged with racial epithets. He himself has been attacked by "kids" who drive by in cars, yelling obscenities and throwing beer bottles. His house has been egged, and his front lawn driven over at least sixteen times. A dead cat was left in his back yard.

Mr. Hernandez recounted receiving a phone call from his son at school, who was being harassed by six others who stood chanting around the phone booth. Mr. Hernandez got in his car and drove to school, arriving at the scene before the Vice Principal did. The attackers, who were still present after both adults arrived, were neither apprehended nor disciplined by school authorities.

Mr. Hernandez reported twenty to thirty incidents to the Sheriff's Department which ultimately requested that he list his complaints and call only once a week. He testified that their explanation for their inaction has generally been, "we can't do anything unless we catch them in the act." The authorities suggested that he lie in wait with a camera to obtain a photograph of the perpetrators. However, when Mr. Hernandez caught one individual and gave the license number to the sheriff, the youth was questioned

briefly, then allowed to leave. (Tl62-169.)

The Vasquez family are Hispanics who have lived in Tara Hills about three years. David Vasquez, age 15, testified that "just about every day we get yelled at for just being Brown. . . they cuss us out and call us spics and chucos. . . and I don't . . . even know who those people are. . . they get me every time I walk out of the house. . ."

(Tl73.) Harry Vasquez, age 16, testified that individuals he has never seen approach him with warnings, "Hey, you know, you can't live in this neighborhood. You're not white." (Tl78.)

Sam Vasquez, David and Harry's father, testified that "My sons used to give me complaints, but I never believed them. I didn't know it was that bad." (Tl80.) Although Vasquez stated he was aware of a feeling of silent hostility from neighbors, he did not take his sons' complaints seriously until he arrived home one day to find a white youth physically threatening one of his sons and his wife. The deputy who arrived about forty minutes later admitted he knew the harasser and said to Vasquez, "Oh yes, we all know him. . . He's a trouble maker. . . . Well, there's not much we can do about it. We got to catch him in the act." (Tl85.)

Kamel Rajan is a sixteen year old youth of East Indian descent who has lived in Tara Hills for about three years. Shortly after moving, Kamel and his family began to

experience harassment in the form of racial slurs and and threats of violence. "Chuco" was spray painted on their house. Kamel recalled an incident where he and his friend Harry Vasquez were confronted by about 30 people, some of whom he recognized as neighbors, at the Vasquez home:

"So one day they all came over to Harry's approximately about 30 of them, all on the front lawn, and they told us that 'we don't want you in our neighborhood. We don't like you,' and they called us 'spics' and all this." (T189.)

Other areas of Contra Costa County

During November and December of 1980, racially-motivated acts of violence occurred not only in Tara Hills, but in neighboring communities as well. On November 13th, the car belonging to a Black family living near Ku Klux Klan leader Michael Mendonsa's gathering place in the Richmond-San Pablo area burst into flames when their daughter entered the car. She managed to get out of the auto before it exploded. (Exh. 2, LARJ Rept, p.16.) The family believed that the attack was related to their friendship to families in Tara Hills. A cross was chemically burned into the lawn of a Black family in Pinole and bottle rockets were set off at the same house on November 27th. On December 8th, the San Pablo home of a Black woman was spray painted with the letters KKK and then set ablaze. (Exh. 2, LARJ Rept. p.17.)

Earlier in the year on July 25, 1980, at about 10:00 p.m., a group of approximately ten men converged on the

Bayo Vista Housing Project in Rodeo. One of the men, armed with hand grenades, called out to residents demanding to know whether they "got any niggers in there." (Exh. 2, LARJ Rept., p.6.) The men fired guns into three homes, all of which housed Black or Hispanic families. (T97.) At 1:30 a.m. the group returned, firing shots into the dwellings. Eyewitnesses gave police descriptions of the perpetrators and their vehicles, but no arrests were made for almost a year. According to Sebe Hill, a black resident of Bayo Vista, the Sheriff's response to their complaints was, "We'd have to seen the people in the act before we can do anything." (T99.) Four individuals identified by eyewitnesses were known Klan members.

In the spring of 1981, following the Commission's announcement that hearings on racial violence in Contra Costa County would be held, arrests of those persons at the time of the assaults were finally made. In January 1982, Michael Mendonsa, leader of the Invincible Empire, Knights of the Ku Klux Klan was convicted of firing a weapon into an occupied dwelling.

In the interim, Bayo Vista residents, many of whom are elderly people, became frustrated with the Sheriff's failure to act, and hired a private security service to police their homes. The security was paid for by funds from the Department of Housing and Urban Development. (T99-100.)

The Presleys are a Black family who have lived in El Sobrante since December, 1978. Since that time, they have suffered constant racial harassment. (T258.) As a result, they have removed their children from the neighborhood school. In September of 1979 a Ku Klux Klan style hood was found attached to the Presley car, which was parked in front of their home. Written on the hood were a death threat and a racial slur. Painted on the driveway were the words "KKK Rules." (Exh. 2, LARJ report, p.15.) On November 20, 1980, at 1:30 a.m., a shot was fired through the front door of their home. Mr. Presley called the Sheriff's Department. A deputy came to the house, told the Presley's to board up their shot riddled door with wood, and left. No immediate investigation was conducted, nor was protection provided by the Sheriff's Department. In September of 1981, a .22 bullet was shot through their car windshield. (T26.)

Charlesetta Woods, a Black woman, has owned her home in a predominantly white section of Richmond for eleven years. Until recently, she has experienced no overt forms of racial harassment. In August, 1981, however, a KKK insignia and the phrase "go home niggers" were spray painted on her fence. Following that, raw eggs were thrown at her house. (T226-228.)

Robert Foreman is a Black man who moved to the Rollingwood area in August, 1981. About a week after he moved in, he returned home to discover that his garage and his house had been burglarized, Nazi insignia were drawn on

the rugs, and a Black face with the letters "SWP" (apparently meaning Superior White Power) and "KKK" were painted on the garage door. (T200.) Mr. Foreman's car was stolen, then blown up. The detective who investigated the auto theft for the Richmond Police Department told Mr. Foreman that he probably did it himself to get the insurance money. (T233.) More recently his home has been pelted with eggs. KKK graffiti is visible around the neighborhood, and other nonwhite neighbors have also been terrorized. A swastika was painted on the sidewalk in front of the only other Black residence on the block, and a East Indian neighbor's home was vandalized. Mr. Foreman testified: "They kicked in their door while she was right there. She called the police, and they told her they'd be out tomorrow. And when they came out, the door was kicked in and she didn't have any kind of defense whatsoever." (T222.) At a neighborhood meeting Foreman attended in September, 1981, the problem was openly discussed. Foreman testified that people at the meeting acknowledged that this kind of harassment had been occurring for years. (T222.) Mr. Foreman stated, "I'm afraid for my kids. The police told me I should look out for them, and that I should not take this lightly." (Indept. & Gazette, Contra Costa City Edition, Sept. 1, 1981.)

Robert Brown, a white resident of Rollingwood, testified regarding racial harassment from neighbors of his who are Black. He testified that he has been called "honky"

his dogs have been poisoned, his house burglarized, and his motorbike vandalized. He also complained of the lack of responsiveness of the Sheriff's Department. He testified that even when he shot a burglar in his bedroom, the Sheriff's Department did not follow up on the incident. "The Sheriff's Department calls it pranks, but they're grown men. If I was to do it to them, it's racism." (T287-289.)

Barbara Parker moved to Montalvin in 1971; hers was the first Black family on the block. Despite assurances from the real estate agent that they would experience no racial harassment from neighbors, Mrs. Parker and her husband returned home one day to discover that a cross had been burned on their lawn and their sons had been threatened. One son was told by a white youth, "my father's in the KKK and he knows how to get rid of niggers." Neighbors had already called the Sheriff's Department. The deputies responded by coming out to the neighborhood visiting all the homes on the block, and telling the neighbors that the Parker's would not "tolerate any aggression on [their] family whatsoever." (T29.) Although no arrests were made, the incidents subsided. (T26-31.) Mrs. Parker believes that the deputies' actions rallied the support and respect of the neighbors, and further incidents were prevented. In addition, a crime prevention committee was organized to help solve neighborhood problems.

When Dennis Bourgeois moved to Contra Costa County about eleven years ago, his was the third Black family in his

neighborhood. Local whites responded by shooting out light bulbs in his house, puncturing his automobile tires, and strewing garbage over his driveway.

He was awakened one morning at 7:00 a.m. by two Sheriff's deputies, who were looking for Bourgeois' son. As Mr. Bourgeois turned to retrieve his identification for the deputies he was told "Don't close the door or we'll break it down." (W58-61.) The deputy had his hand on his gun. Mr. Bourgeois explained, "this is quite unnerving, being a citizen that never had a police problem in his life. . . ." (W60.) Mr. Bourgeois, as ordered, did not close the door, explaining, "I [wasn't] going to take a chance with this man . . . The report would say I fell down some steps." (W61.)

3. Neighborhood and community support is crucial to the elimination of racial violence and harassment.

The Commission heard testimony and finds that the vast majority of residents, no matter what their race, religion, or ethnic group, want to live peaceably and harmoniously in the neighborhoods. The vast majority of residents do not support, much less participate in any sort of racial violence. However, the Commission urges in no uncertain terms that racial tension and violence will continue unless and until local residents, neighborhood and community groups actively work to change the moral climate of their communities. Neighbors must actively and visibly come to the support of neighbors who have been victimized by racial harassment; this, as much as anything government,

law enforcement, or the schools can do, will serve to stop racial and ethnic conflicts and violence.

Recommendations

The following are general recommendations which are spelled out in greater detail in other sections of this report.

1. Neighbors and residents must work to change the moral climate of their communities to prohibit racial prejudice and end racial violence. Neighbors must immediately and visibly condemn racial violence when it occurs.

2. Law enforcement authorities must be better prepared to investigate and prosecute perpetrators of racial violence and harassment. Victims must be assured that they will be protected by law enforcement.

3. The school system must confront problems of racial and ethnic polarization among its students.

4. Community, neighborhood, business, labor, civil rights, and religious organizations should actively work to improve race relations.

C. The Ku Klux Klan

Findings

1. The Ku Klux Klan is present and active in Contra Costa County.

The Ku Klux Klan, an organization which emerged in the South after the Civil War, is still viewed by many as a distinctly Southern organization. In actuality, Klan activity has been reported in all but a few states, as well as Canada, England, and West Germany. (Exh. 23, Klanwatch Report.)

Ku Klux Klan activity in California can be traced to the 1920's, when affiliation with or membership in the Klan was openly admitted even by public officials. Klan activity in the state declined in the 1930's and 40's.

Cleophus Brown recalled:

" . . . the Ku Klux Klan held burnings in the hills of Point Richmond, paraded in full regalia down MacDonald Avenue. At that time they were threatening Catholics and calling them "Cross Backs". They did that, and that happened right down on MacDonald Avenue, here. So, it had its roots and it didn't start in Tara Hills." (T36-37.)

It was not until 1976, when Tom Metzger became the state leader of the Knights of the Ku Klux Klan, that California saw a reemergence of the Klan as a political force. (Exh. 23, Klanwatch Report.) Since 1977 organized Klan activities have been documented by journalists in the following cities: Castro Valley, Fremont, San Leandro,



San Jose, San Pablo, Madera, Los Angeles, Oxnard, Fairfield, Oceanside, Fresno, Sacramento, San Diego, San Bernardino, Ceres, Armana, Chico, Stockton, Merced, Fontana, and Clovis. (Newspaper accounts describing the nature of the activities are contained in Exhibits 9 through 13.)

The Invincible Empire, Order of the White Knights of the Ku Klux Klan was organized in Clovis, California in October 1980 by Robert Lee Wyer. Its Contra Costa chapter, headed by "Exalted Cyclops" Michael Mendonsa, probably has between 40-50 members and a far greater number of sympathizers. (Testimony of Sheriff Rainey M73; Exh. 2, LARJ p. 21; testimony of Martha McMullen M68.) The San Francisco Chronicle reported that Bill Wilkinson, national leader of the Invisible Empire, expelled Wyer's and Mendonsa's group from his national organization in September, 1980, because the local chapter was "too violent and too involved in illegal activities." (W133.)(LARJ p.21.) The cast-off splinter group reorganized as the Invincible Empire. According to the San Francisco Chronicle Wilkinson stated that Mendonsa and Wyer's Klaverns "believe in the law of the jungle and survival of the fittest, so I asked them to leave." (Exh. 2, p.20.)

The Invincible Empire is only one of at least five Klan organizations operating in California, with an estimated total membership of 300. Others include the Invisible Empire, the Federated Knights of the Ku Klux Klan of

of California, and the Original Knights of the Ku Klux Klan. Nationwide, the Klan boasts of 10-12 thousand members. (T19.)

Membership figures are deceptive, however, because many more people support Klan activities and espouse its views than are formally members. A recent Gallup poll indicated that 10% of the American public approves of the Klan's philosophies if not their actions. (Exh. 23.)

The Commission recognizes that it may be advantageous for the Klan to encourage violent, racist activities while simultaneously disavowing the actions of the people who, although not actually members, believe they are acting for the Klan. Thus, low membership figures do not mean that the Klan is any less a dangerous, subversive organization.

Klan violence and the rhetoric which accompanies that violence helps "to create a psychological climate in which racism flourishes and racist acts become an acceptable form of behavior." John Wisdom, a federal judge in Louisiana, described the insidious nature of the Ku Klux Klan. "We find that to attain its ends, the Klan exploits the forces of hate, prejudice and ignorance. We find that the Klansman. . . are fearful of conspiracy against society [holding] men silent by the terror of [their acts] and [their] power for evil." (U.S. v. Original Knights of the Ku Klux Klan (E.D.LA. 1965) 250 F.Supp. 330, 334.)

2. The Ku Klux Klan has actively recruited members in Contra Costa County.

Local Klan members deny that any active recruiting is occurring in Contra Costa. Terry Butler, spokesman for the Invincible Empire group, stated that recruitment drives have been cancelled "because of bad publicity, because of attacks on the families, and we just didn't feel it was the time to do it." (W118.)

Two Klan members, Terry Butler and Barbara Goodman, testified before the Commission and approximately nine other members attended the hearings. Barbara Goodman stated that she joined the Contra Costa chapter last year, and is an active member on a regional, state, and national levels. (W129.)

Martha McMullen testified that the Klan Klavern in Richmond "has been recruiting hard for new members and was planning a series of recruiting events, including literature drives by robed Klansmen at suburban shopping centers, and Klan family outings, which included cross burnings. The Klansman meet every two weeks at members' homes" or a rented hall. (W68-69.)

The Klan established a telephone hotline in Oakland which Klansmen may call for "psychological counseling" when they feel they might be on the brink of a violent attack. (W69.) Barbara Goodman, an avowed Klan member, testified that the hotline is open to all, not only Klan members. (W108.)

The Klan has been working to gain respectability. (W69.) The Contra Costa chapter is planning to run candidates for local and state political offices to win power over a government felt to be "biased in favor of minorities." (W70.)

Particularly disturbing is the evidence of Klan influence and recruitment among adolescents and young adults. According to the Klanwatch report, "Klan membership is now more than ever a family affair; fifteen percent of the Klan members or sympathizers at rallies are teens. . . ." "In Marin County, in October 1980, nine members of a high school football team were suspended after inserting "KKK" into a school cheer. Other students reportedly had worn white sheets while chasing black students down school halls and lockers had been marked KKK. In Ceres, California, a sixteen year old child of a Klan member was suspended from school for five days for refusing to stop wearing a Nazi shirt to class." (Exh. 23, Klanwatch Report.)

The Commission finds that Klan recruiting has been occurring in Contra Costa, particularly among Contra Costa's youth. The Commission has received a copy of a KKK recruiting pamphlet believed to have been distributed on or near Richmond High School. (Exhs. 2, 28.) Ed Sanchez, Director of the Richmond Adolescent Drug Abuse Program testified that a number of his clients reported that Klan literature was being distributed at Richmond High School,



Pinole Valley High School, and possibly at some of the junior high schools. The presence, or threatened presence, of the Klan in the schools has increased racial tension and fear among many students. The racist essence of the Klan is revealed in the following excerpt from the recruiting pamphlet:

"Today, many people have experienced the Blacks first-hand and have seen savagery and animalism in many of these people. White people simply will not buy the 'equality' propaganda anymore, and have begun to doubt some of the anti-Klan hysteria that they have been fed in school and from TV and movies. Once people understand that the KKK is simply a Movement of White people for the highest standards of Western, Christian Civilization, and that the KKK did WIN its first struggle for our people in the Post-Civil War period, they naturally turn to it as an answer to today's crisis." (Exh. 28, see Appendix.)

Membership in the Invincible Empire Klan is limited to ". . . White, Non-Jewish American citizens. . . ." (Exh. 28.) Robert Jacobowitz, representing the Jewish Community Relations Council, testified that his research indicated an overlap of membership of KKK and neo-Nazi groups. (M90.) In an ironic change from earlier Klan persecution of Catholics, the Invincible Empire declares that Catholics as well as Protestants are eligible for membership. (Exh. 28.)

Klan spokesman Butler denied that organized Klan recruitment drives occurred in Contra Costa County, but admitted that individual members pass out Klan literature and recruit members on their own. (W118.)



3. There are indications that the Klan in California is stockpiling weapons and conducting paramilitary training.

The California Attorney General, in a report covering terrorist activities in California in 1980, stated that, "The Klan is one of the most prominent of the growing number of paramilitary groups. . . . who are stockpiling food, weapons, and money for the "race war". (Klanwatch Rept. Exh. 23; Attorney General's Rept., Exh. 4.)

The Klan's belief in the inevitability of a nationwide "race war" has sparked the establishment of paramilitary training centers all over the country. On December 21, 1980, the Oakland Tribune reported that the Klan has established a training site in Northern California and is actively recruiting members. In an interview with the Tribune reporter, a KKK spokesman allegedly said the local group is engaged in paramilitary training for self-defense and gets together to practice on rifle and pistol ranges. (Exh. 9, Oakland Tribune 12/21/80.) A similar report in the San Francisco Chronicle stated that Mendonsa's group was setting up a training camp in Tehama County. A local Klan spokesperson allegedly told the Chronicle that, "The camp will be complete with firing range. The targets are silhouettes shaped in Black and Jewish faces." (Exh. 9, San Francisco Chronicle, 2/9/81.)

Training efforts have included such internationally known figures as Manfred Roeder, founder of the pro-Nazi "German People's Movement". Roeder is an expert in explosives, and stayed in the Bay Area as a guest of the Klan for three months. (T217.) He is said to have held training seminars for local Klansmen and Nazis on how to make and use explosives. (Exh. 2, LARJ p.22.) Robert C. Harris, a representative of California Association of Black Lawyers, stated that the Klan operates a book service at Fallbrook, California where it makes available instruction books and articles on guerilla warfare, assassination techniques, and on making bombs, grenades, mines, chemical explosives, fuses, detenators, and incendiary devices." (Exh. 22.)

4. The Ku Klux Klan, and Klan symbols and methods, have been involved in acts of racial violence and harassment in Contra Costa County.

The fact that Klan members frequently engage in criminal activity is widely acknowledged. The California Attorney General reported that in 1980 actual criminal activity by the Klan was limited to a few weapons offenses during rallies. (Exh. 4.) However, the Department of Justice has reported an increase in incidents involving racial violence and terrorism in the late 1970's, and in 1981 alone Klanwatch documented several hundred acts of racial

violence by Klansmen and or sympathizers throughout the nation.

In Contra Costa County, many acts of racial violence and harassment have involved Klan symbols and methods such as cross-burnings, "KKK" graffiti, and Klan-type hoods.

In August 1980, thirty Klan members appeared at a demonstration organized by the NAACP to protest racism and police brutality in Richmond. (CCC Independent, The Sunday Paper, 10/11/81 p.4.)

In November 1980, a drug-related shooting incident near Richmond High School precipitated a rumor that the Klan was coming to school. As a result, the campus was closed for two days. (Independent 10/11/81 p.4.)

Local Klan leader Mendonsa has recently been convicted of firing a gun into an occupied dwelling in the Bayo Visto incident.

Terry Butler, spokesman for the Contra Costa County based Invincible Empire, Order of the White Knights of the KKK testified that his group was not involved in the Tara Hills incidents, and is being unfairly blamed for the violence. (W114.) Butler, however, stated he knew who was involved, but refused to identify them before the Commission. (W115.)

Sheriff Rainey testified that his department had unearthed no evidence that the Klan was involved in any of the incidents that took place in the Tara Hills area, although he did acknowledge that in September, 1979, KKK symbols were written on the Presley driveway in El Sobrante, and that hoods and robes had been sighted in that area. (M68.) In addition, he mentioned incidents in San Pablo and in Pinole where KKK signs were used. (M68.) The perpetrators use KKK symbols, Rainey explained, "for harassment value. . . what they are trying to do is scare the people. . . and its very, very, effective. The KKK is a very scary organization . . . using those things, whether or not they are involved themselves with the KKK, is going to throw some fear into the neighborhood, and that's exactly what they meant to do." (M69.)

Thus far, little public condemnation of the Klan and what it stands for has occurred. Rufus Kennedy testified that law enforcement officials in the Richmond Police Department held an attitude expressed as "The Klan's not bothering us. We don't want to hear about that." (T81.)

Recommendations

1. The District Attorney, Sheriff's Department and local police departments must vigorously investigate and prosecute crimes in which Ku Klux Klan members or symbols are involved.

2. The Commission urges the news media to take their coverage of Ku Klux Klan stories beyond a focus on the sensational. Accurate and analytical coverage serves to alert the public to the dangers of the Klan.

3. The Contra Costa County Board of Supervisors, local city councils and school boards should publicly condemn Ku Klux Klan operations in the county.

4. Members and sympathizers of the Ku Klux Klan are urged to reject that organization and to work with all ethnic and religious groups to address economic and social problems.

5. Law enforcement authorities must monitor paramilitary training camps for weapons violations.

6. School authorities should discourage Klan recruitment efforts and the dissemination of Klan literature on or near schools.

D. Youth Gangs

Findings

1. Law enforcement officials recognize that youth gangs are a threat to peace in the community.

The office of the state Attorney General has expressed concern regarding increase in the level of youth gang related violence throughout the state, and has noted that "youth gangs today are well-armed. . . the number of deaths due to gang warfare increased dramatically in 1980." (Exh. 4, Report of Attorney General.)

Youth gangs in Contra Costa County have been held responsible both by the Sheriff's Department and by the media for much of the racial violence that has plagued the county. Sheriff Rainey has publicly announced that gangs pose a substantial threat to the peace of the community. (T73.) Deputy District Attorney Robert Low told the Oakland Tribune that although close to twenty gangs exist in the west Contra Costa County, he believed that fewer than ten are actively involved in gang violence. He lamented that his department has difficulty prosecuting gang members for criminal acts because witnesses are frequently afraid to testify. (Exh. 10, Oakland Tribune 1/20/81.)

2. Numerous youth gangs operate in Contra Costa County.

An estimated thirty youth gangs currently operate in Contra Costa County. (Exh. 21, Juvenile Justice Commission and Delinquency Prevention Commission Minutes.)

They are present in all parts of the county, in almost every town and high school. Members' ages range from twelve or thirteen to late the twenties. (Exh. 2, LARJ Rept. p.25.) (T49.) Exhibits introduced at the hearings indicate the membership in gangs is increasing. (Exh. 4.) Gangs flourish "because they provide a structure for socializing and guarantee security for their members." (Exh. 2, LARJ Report, p.26.)

Gangs in Contra Costa County are frequently involved in drug-dealing, property crimes, and violent crimes, especially fights with rival gangs. They often have their own jackets or identifying clothing which, when worn, is called "flying colors."

The presence of juvenile gangs in junior and senior high schools creates severe problems and contributes to racial divisiveness. Several well established white youth gangs were identified at the hearing as being associated with specific schools. The West Santa Rita gang is identified with DeAnza High School in El Sobrante, and is one of the larger juvenile gangs, with 25 to 50 card-carrying members. The Blues Brothers are associated with Pinole High School, and the Next Phase is a younger counterpart with members for the most part not older than 15 or 16 years. The Bicep Brothers are based in San Pablo. (Exh. 2.)

The West Santa Ritas, the Blues Brothers, the Next Phase, and the Bicep Brothers have been identified with some

of the attacks on minority residents in Contra Costa County, in particular with the Tara Hills incidents in November and December of 1980. The Oakland Tribune reported on December 13, 1980, that a sixteen year old member of the Next Phase gang was arrested in the vicinity of the Handy residence after firing at a Sheriff's deputy on patrol. In the same area members of the Blues Brothers gang were arrested several days later carrying loaded firearms. In addition, there is evidence to support the conclusion that there are direct connections between gang members and the Klan. The Oakland Tribune reported that one of the gang members may have been involved in distributing KKK literature three months earlier in Pinole. (Exh. 9, Oakland Tribune 2/16/80.)

3. Gangs are generally drawn along racial lines. Many white gang members profess racist attitudes, look upon the Ku Klux Klan as a model, and seek to emulate the Klan. To this end, they may adopt Klan symbols and tactics.

Evidence presented to the Commission supports the conclusion that, with few exceptions, gang membership breaks down along racial lines. (Exhs. 2, 27.) According to Ed Sanchez, much of the gang related violence in Contra Costa County, although frequently drug-related, is provoked by racist attitudes. (T51.)

"Instinctively, the youth of west Contra Costa County are viewing the Ku Klux Klan, the Nazis, gangs,

violence, drugs, and crime, as either threats or solutions to the question of survival in their ecology." (Ed Sanchez, T46.)

The Legal Alliance for Racial Justice reports that "Racism is an accepted norm which is often shared by the families of gang members. In this regard, the Ku Klux Klan is not merely tolerated; it is an organization with similar objectives which is highly respected by the gangs." (LARJ Report p.27.) Ed Sanchez testified that many white gang members appear to want to emulate the Exalted Cyclops, and adopt what they perceive as Klan attitudes or Klan behaviors. According to Mr. Sanchez, "[T]hey perceive him as a role model. . . they have said. . . 'He's the kind of person we want to grow up to be.'" (T52.) The interrelationships between the Klan and Contra Costa's youth gangs suggest that the Klan is seriously and aggressively recruiting young people to adopt its philosophy, if not to join its ranks.

Fred Persily, an investigator for the Department of Fair Employment and Housing, reported:

We found that in the hillside communities [Tara Hills, El Sobrante, Pinole] high school students and young adults grouped together first on a social basis then started drinking, using marijuana together, and began committing crimes against property. They are now identified as white gangs. Their primary purpose is to be together for social intercourse, but they harbor a common belief that Blacks are given special privileges and

they have an obligation to get
even when possible. (Exh. 24.)

Rufus Kennedy, a Black officer in the Richmond Police Department, testified that youth gang activity has been occurring in Contra Costa County for years. (T73.) Officer Kennedy charged the law enforcement people discriminate on the basis of race, treating Black and Hispanic gangs differently from white gangs.

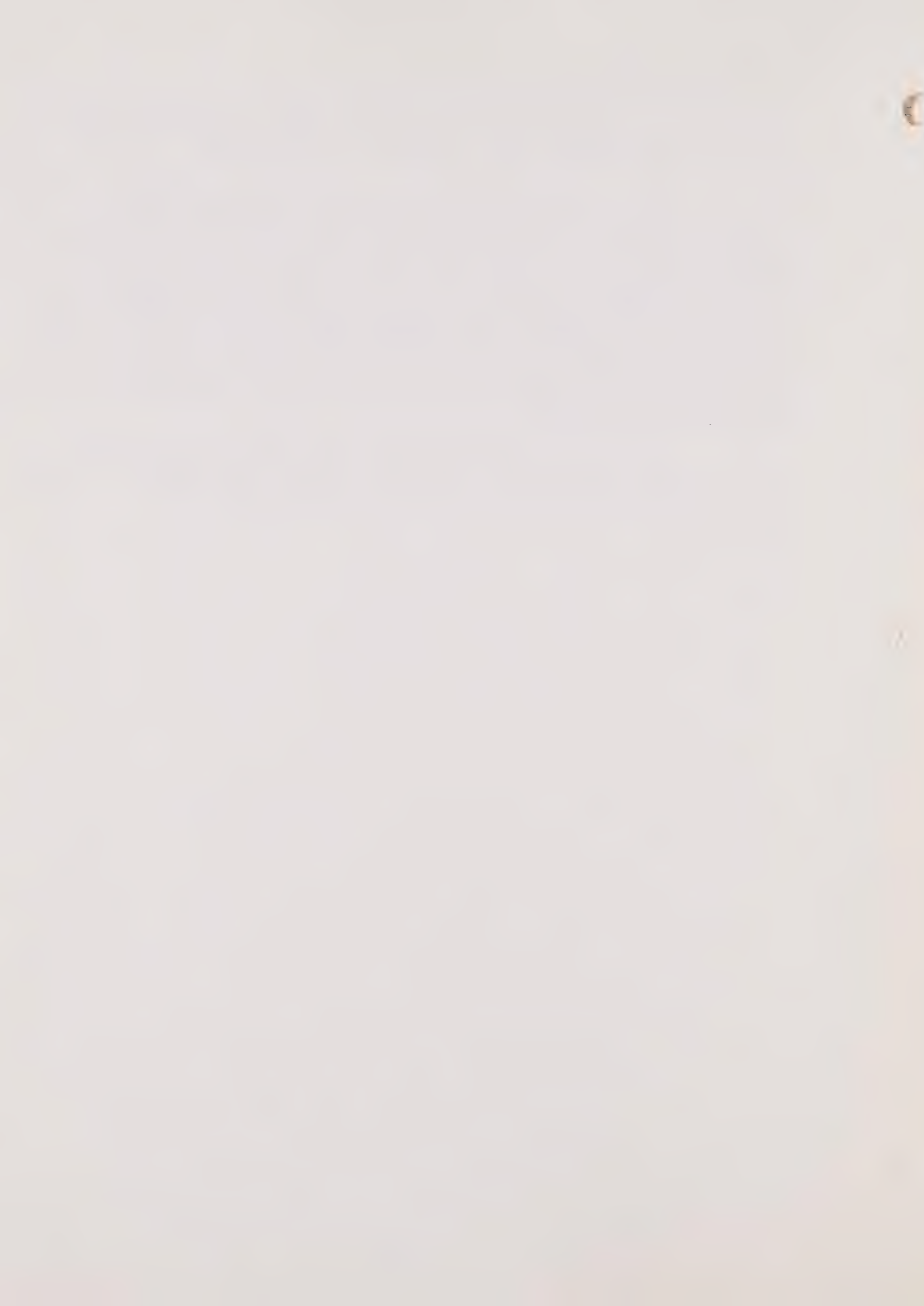
"If you look at Black youth gangs and Hispanic youth gangs, you find that law enforcement can put out a very devastating effort to eliminate those. And you'll find tht Black youth gangs and Hispanic youth gangs are very short-lived. You know, gang members are readily identified, even down to their nicknames and all that. They are stopped all the time, and everybody knows their whole regular activity. Yet, when you're dealing with White youth gangs. . . you see that kind of activity only when. . . they're forced to act on it." (T73.)

4. Action by youth, families, community and church groups, the business sector, schools, law enforcement, and government is necessary to help youth develop positive roles in society.

The Contra Costa Juvenile Justice Delinquency Prevention Commission has set up a task force to work with schools, recreation departments, and the Council of Churches in addressing the problems created by local youth gangs. The task force recommendations should be supported throughout the various segments of the community.

Recommendations

1. Parents and families should be aware that youth gang violence exists in their communities, and should counsel youth about more productive activities.
2. Schools, churches, and community groups should work with youth to provide constructive alternatives to gangs. There have been successful efforts of this kind in Oakland such as the East Oakland Community Values Program, where youth and community resources have worked together to transform youth gangs into organizations which combat crime and vandalism, develop employment, and involve youth in the life of the community. The Commission urges youth in Contra Costa County to seek such efforts from local government, the schools, mental health and juvenile justice resources, church and community groups.
3. The private sector must provide employment opportunities for teens and young adults and contribute funds and volunteers for youth-serving organizations and programs.



E. Law Enforcement

Findings

Law enforcement agencies are often required to provide the first governmental response to incidents of racial violence and harassment. While the responsibility for curtailing these incidents is not and cannot be solely that of law enforcement, it is clear that law enforcement's response is of primary importance. The speed and attitude of law enforcement in dealing with racial tension has a direct influence on the continuation or curtailment of racial incidents.

Contra Costa Sheriff's Department

Richard K. Rainey is the Sheriff-Coroner of Contra Costa County. He joined the Department in 1964. The Contra Costa Sheriff's Department is responsible for law enforcement in the unincorporated areas of Contra Costa County. The west Contra Costa areas of Tara Hills, El Sobrante, Rollingwood, and Sherwood Forest are unincorporated areas adjacent to the cities of Richmond, San Pablo, and Pinole. These unincorporated areas were the scene of many of the incidents which are the subject of this report.

1. The Sheriff's Department often did not provide a timely response to calls for assistance.

Contra Costa is a county of some 616 square miles (W52) and the area patrolled by the Sheriff's Department is large. Sheriff Rainey testified that his staff is not large enough to respond as rapidly to calls for assistance as he would like. Response times are not as rapid as that of police departments in incorporated cities.

Much of the testimony received at the Commission's hearings from the victims, the community, and from the Sheriff's Department itself reveals problems of non-response and slow-response to calls for help, failure to follow up with investigation and arrests, negative and hostile attitudes toward the victims, and confusion and lack of preparedness to respond to racial incidents.

Many members of the community testified that the Sheriff's Department responded slowly, and sometimes not at all, to their calls for assistance. Even when calls were made as incidents were in progress and the perpetrators still on the scene, deputies failed to respond in time to intervene or arrest the perpetrators. Some victims of the racial incidents felt that they were not adequately protected by the Sheriff's Department and therefore contacted the news media to bring attention to their plight.

Robert Hernandez, Sr. testified that the Sheriff's Department refused to come out and take a report after a car had been driven through his fence. (T166.) Hernandez

reported 20 to 30 incidents of harassment and vandalism to the Sheriff's Department, which eventually told him to quit calling or call once a week, because they could not answer every incident. (T164.)

Donna Worth, Acting Chair of the Tara Hills Community Association, testified that it is not unusual for the Sheriff's Department to take one-half hour or a full hour to respond to a call. The reason for the slow response time was related by a Sheriff's Department representative at an August meeting of the Tara Hills Community Association - there are only two patrol officers who cover the unincorporated areas of the Tara Hills, Bay View Park, Montalvin, and North Richmond. (T148-149.)

Robert Brown, a white resident of Rollingwood, testified that he had repeatedly been the victim of vandalism and harassment by a Black family. He reported at least a dozen incidents to the Sheriff's Department and said it took two hours for a deputy to arrive. Brown further testified that a deputy sheriff told him one out of every hundred sheriffs are concerned about the people in Rollingwood and the rest do not care one way or the other. (W121-123.)

Although the the Commission does not doubt that understaffing contributed to the response time difficulties encountered by the Sheriff's Department, there was evidence that the Sheriff's Department, and some individual deputies, did not acknowledge the seriousness of the incidents which were occurring.



2. Members of the Sheriff's Department exhibited a failure to assist victims, reluctance to investigate incidents, confusion and unpreparedness to respond to racial violence and harassment.

Geraldine Ireland testified that she called the Sheriff's Department to report that Lovett Handy was being chased by two white men. A deputy did not arrive for an hour, then refused to drive Handy to his home up the hill, although Ireland feared for Handy's safety. (T246.)

There was testimony from victims and members of the community that the Sheriff's Department displayed a reluctance to investigate the incidents and to make arrests even when provided identifications, license numbers, and the like. Dell Williams of the El Cerrito branch of the NAACP noted that the Sheriff's Department did not treat the incidents seriously, characterizing them merely as a beef between teenagers. (T138.) There were instances in which individual officers exhibited a lack of interest which led victims to feel as though the Department was not taking their problems seriously. The report commissioned by Sheriff Rainey to analyze the Department's response found:

The most glaring problem with reports observed, however, was not their technical aspects, but rather an attitudinal situation which was much too evident during this investigation. There is overwhelming evidence to conclude that our deputies believe their primary responsibility in the field is that of report taker. There was very little mention of followup in

most reports. In those instances where there was followup, it was usually shallow and inadequate. We seem to think that once we complete a report, all problems will go away. (Exh. 3, Sheriff's Report, emphasis added.)

To be contrasted with the above is the aggressive support received from neighbors and deputies by Barbara Parker in 1971, when deputies went house to house after the Parkers had been racially harassed. (See incidents section, supra.)

Confusion and lack of preparedness in the Sheriff's Department was revealed on the night of November 22, 1980, when a car rammed through a bay window in the Ireland home. The Irelands immediately called the Sheriff's Department, which said the California Highway Patrol should be called since a vehicle was involved. The Highway Patrol was called, which said the Sheriff's Department should be called. The Irelands again called the Sheriff's Department, which again said the Highway Patrol should be called. The Irelands again called the Highway Patrol, which finally sent an officer two and a half hours after the incident. The Highway Patrol officer again advised that the Sheriff' should be called, and a deputy arrived two hours and forty-five minutes after the incident. (T253.) Although an arrest, prosecution and conviction were eventually accomplished in this incident, the Ireland's confidence in the Sheriff's Department could only have been lessened by the dispatcher's reaction. Sheriff Rainey attributed the confusion and delay

to the dispatcher function.

The Sheriff's Report found:

In interviews with the Irelands and the Handys, one of their major complaints was that they frequently found our dispatchers insensitive to their requests for service. One of the reasons they (Handy and Ireland) went to the news media was that we managed to make them believe that we, as a Department, were insensitive to their problem. After twelve days of problems and numerous calls to the Sheriff for service, we managed to convince them, at least in the above example, that we were more concerned with jurisdiction than we were with doing something about what they perceived as a very serious problem. (Exh. 3.)

Department of Fair Employment and Housing investigator Fred Persily reported:

"We learned that the Sheriff's Department had no process for isolating incidents of a racial nature from incidents of a criminal nature. Thus, the throwing of rocks through the homes of Black families by gangs of white youths is malicious mischief and is categorized the same way as the throwing of a rock through a window by a youngster into a garage of a friendly neighbor. They are both classified as malicious mischief. The report of a prowler by a white family is classified the same way as a Black young lady having her path blocked by a white adult and being followed home. They are both classified as suspicious circumstances.

Not only was there no process for classifying incidents of a racial nature but there was no process for identifying them even when they were reported by the deputies. We read

several reports by deputies who were reporting the escalation of racial incidents in west Contra Costa as they began to occur several times a day. However, no one person read the reports for the day in a central area to observe a pattern. The deputies on the street might know what was happening because they were having to deal with it, but there was no good way for what they were seeing to be communicated upward so that people could allocate appropriate resources to deal with the problem." (Exh. 24.)

Sheriff Rainey acknowledged that although patrol deputies and their sergeant supervisors were aware of the escalating number of racial incidents, the management of the Department was not aware of the seriousness of the incidents soon enough to intervene effectively. (M61-62.)

Management did not properly identify this situation as a problem soon enough despite many early warnings. The number of vandalism reports were certainly signal enough, especially had they all been connected up. In reviewing the reports, it was obvious that these incidents were different than the ordinary vandalism attacks. Rocks the size of footballs were tossed through windows. On one occasion, a large rock was thrown with such force that it penetrated the siding and lodged in the interior wall of one of the homes. On another occasion, as family members sat in their rumpus room, vandals used clubs to break three windows simultaneously, indicating at least three responsables were involved. A large number of juveniles gathered in front of one home to intimidate the occupants and threaten revenge for injury to their friend. The signals were there. (Exh. 3, emphasis added.)

3. In some instances, members of the Sheriff's Department disparaged the victims and blamed the victims for bringing on incidents of racial violence.

Mary Handy testified that the Sheriff's Department called her lawyer and told him to inform her that there were outstanding warrants for her arrest. Handy's lawyer called the Sheriff's Department which reported several moving violations, and a warrant for her arrest for petty theft. Later, the Sheriff's Department said they were sorry, but it was just a rumor going around the Sheriff's Department. (T244-245.)

Jane Hunter was a member of the Community Watch. She was stationed outside the Presley home one night when a deputy came by and ". . . proceeded to tell me what can only be called malicious slander about one of the families that we had been guarding, and that we had known as victims, that this family was running a prostitution ring out of their home, that this family had had many members under investigation, I believe is the proper term. He expressed it as, 'We know who they are. We've got our eye on them.'" (T310-311.)

Another member of the Community Watch, Judi Hirsh, a public school teacher, testified that a deputy sheriff slandered the Handy family, saying that they were troublemakers, that they had family members in jail, and that they were involved in dope. (W88.)

4. Recruitment, training, and racism within the Sheriff's Department impede the ability to respond to racial violence and harassment in the community.

A law enforcement agency reflective of the multi-ethnic community it serves better serves that community. The Contra Costa Sheriff's Department has made some efforts to lessen its underrepresentation of Black officers, but has brought Black deputies into its force only with difficulty and over internal resistance.

Sergeant Surry Poole began working for the Sheriff's Department 1966 and was its Affirmative Action Officer from 1973 through 1979. In 1973, the Sheriff's Department had approximately 300 deputies, of whom 8 were Black. Poole, who is Black, and others met with the Sheriff and requested that affirmative action be implemented and that a Black recruiting officer be appointed. Poole was appointed to the position, but was given no training on recruitment methods and did not receive full cooperation on this affirmative action work. (W13.)

Poole was subjected to racial harassment when he joined the Department. This harassment eventually subsided. However, upon his appointment to do affirmative action work, Poole again became the victim of racial harassment. A swastika appeared on his locker. "Waltermelon men" appeared on the locker. "Nigger" was written on his car windshield. The tires of his car were slashed. (W15, 24-25.) Poole reported the tire slashing incident to his Lieutenant, but the Lieutenant's only response was that he could not believe

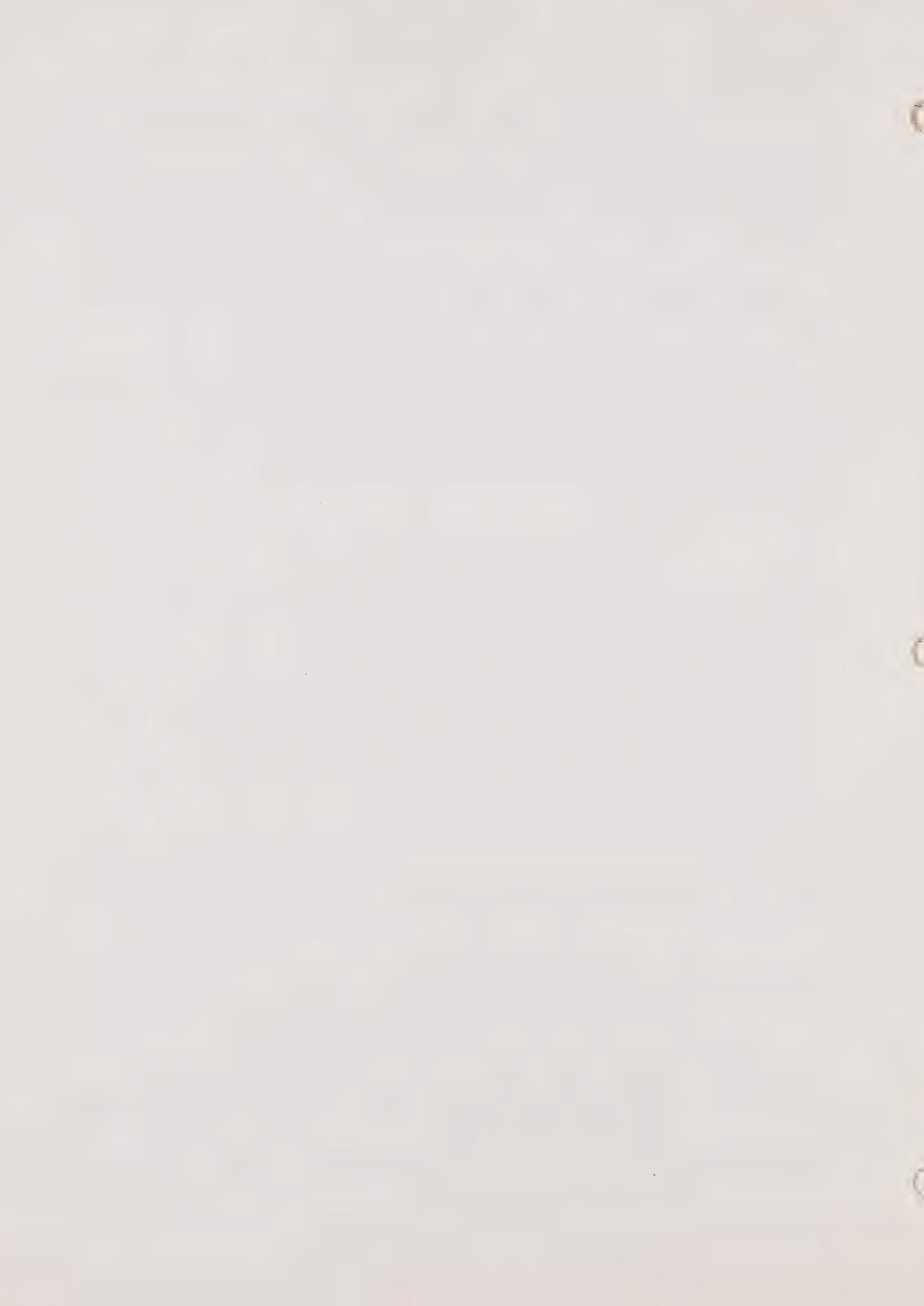
anyone would do that.

Poole worked with Civil Service to implement an affirmative action program. His efforts were hampered, however, because memoranda to him were intercepted and thrown into the trash. (W15-16.) Nevertheless, a recruitment and tutorial program was implemented and most of the minorities that took the 1974-75 Deputy Sheriff's exam were able to pass the exam. (W16-17.) Retention of Black deputy sheriffs has remained a problem, which Poole attributed to institutional and cultural bias on the part of the Department.

Although there are 25 Blacks within the Sheriff's Department, they tended to be hired in clusters. For example 8 Blacks were hired in 1966-67, then no Blacks were hired until the 1970's. Because this cluster of Black officers will most likely retire at around the same time, there will eventually be an absence of more senior Black officers.

There are currently 25 Black deputies among the 400 officers in the Department. Continuity of hiring remains a problem; the majority of Black deputies in the Department were hired in 1977-1980. (W22.)

New Black recruits have difficulty during their training because there are no Black FTOs (Field Training Officers). When problems arise, the recruits cannot always relate as well to white training officers. Also reported



was a problem with the evaluations given by FTOs - they tend to draw upon the evaluations given by other FTOs rather than reflecting an individual opinion. The result is a "carbon copy" effect that detracts from a recruit's training experience. (W37.)

A lack of recruitment, training, and support for Black officers was detrimental to the Sheriff's Department ability to effectively respond to the racial incidents in west Contra Costa County. As Lieutenant Robinson observed:

"It appears we have 25 Black deputies, but when you have five with 15 years experience, two promoted to Sergeant, myself promoted to Lieutenant, and specialized assignments based on seniority, that eliminates a pool. And you have a void. Everyone else is brand new. There is nobody promotable; and when I say nobody, very few with enough time to be assigned to a Patrol Division."
(W46.)

Hence, although there was a need for Black deputies to be on patrol in the Tara Hills incidents, there were none available. (W46.)

Deputy Sheriffs in the Sheriff's Department do not receive adequate human relations training. The Training Academy for deputies is located at Los Medanos Community College in Pittsburg. Melvin MacDonald, a Black deputy and a recruitment officer with the Sheriff's Department testified that the Training Academy at Los Medanos does not afford a

good climate for Black officers. (W36.) The approach at the academy was characterized as "White", to the exclusion of training designed to assure that officers will be able to serve the many ethnic groups in the Contra Costa County. The curriculum at the Academy is heavily weighted toward the technical aspects of police work and not the human relations side. (W40.) As Lieutenant James Robinson noted, it is unrealistic for a police academy in the Bay Area to be without minority role models. (W41-42.) The training of both white and minority recruits suffers.

As a result, a new deputy sheriffs are either unprepared for what they will encounter on the streets or they have stereotypical notions about minority communities and racial minorities. (W41.)

Richmond Police Department

5. Witnesses reported slow response, negative attitudes, and brutality by the Richmond Police Department.

Problems similar to those encountered by residents in unincorporated areas were encountered by residents of the City of Richmond. William Burkes, a black resident of Richmond, lives in an area bordering El Sobrante and isolated from the main body of the City of Richmond. Burkes is a Commissioner for the City of Richmond's Community Development Organization and a member of the Vista Hill - White Cliff Neighborhood Council. Burkes testified that the Richmond

Police Department has been slow to investigate racially-motivated incidents, including an arson on his property:

What I have to report today is the continuing harassment and intimidation by parties unknown in the name of the KKK. It was some time in the early part of the year, in February, after various graffiti appeared on walls and other structures in our community, we called a Neighborhood Council meeting. We called it the Vista Hill-White Cliff Neighborhood Council.

Originally we had invited some 25 residents to attend, with commitments from 20. On the night of the meeting, we only had 10 people to show up. The candidate Councilman Campbell, who was successful in his bid for the 11th Assembly District, he did attend the meeting. We had several other public officials, including the police officer who patrols the area.

When we reported what we had found in our neighborhood, there was a certain lack of interest. There was a certain cavalier appearance on the part of the conduct of the parties responsible for keeping the peace in our neighborhood. I followed up on two occasions to have a meeting with the Chief of Police, and to have his investigators determine the source of the harassment. We have yet to have response to that request.

Now, on a factual and a personal type of occasion, which may or may not have perpetrated in the name of the KKK, but consistent with our history in this county and in this country, I believe it to be perpetrated in the name of violence for racial reasons.

After many complaints from residents on Fran Way, from Serene Court to Fiesta Court, I was requested, as a representative of the Community Development Commission, to pass a petition, to maybe get some assistance from the Public Works Department, from the City of Richmond and from the police department, to maybe reduce the level of noise and harassment by teenagers otherwise joyriding or having fun.

So, I passed that petition around. In the course of passing this petition, I was able to interview many new members of our community. I passed this petition around July 10th. I met with some resistance. I got some candid comments from many of our new residents.

This petition was passed around, and on July 16th, the shrubbery around my house was set afire. I recall it because on that day we had planned to take a trip to Los Angeles. I was on medical leave from my profession. I'm the former AFL-CIO Regional Director for Human Resources Development Institute for the National AFL-CIO. I'm a 20 year member of the AFL-CIO. I was business representative for the Service Employees International Union.

And on this day, I planned to take a trip to Los Angeles. Around 11:00 a.m., the neighbors came to knock on our door to say that, "There are four teenagers setting fire to your yard." My wife came out to discover the teenagers, with quick precision, accomplished their deeds, and quickly sped off in formation in different directions.

The fire department responded.
The police were contacted. To
this date, we haven't heard from
either one of them. (T61-63.)

Burke went to members of the Trinity Lutheran
Church in the Valley View area and found that whites also had
been the victims of violence perpetrated by Black youths.
(T64.)

Mrs. Idlia Claybourne is a elderly Black resident
of Richmond. She related incidents of slow response and
police brutality on the part of the Richmond police:

When I was robbed at my home on
Fifth Street, I was two or three
hours trying to get the police,
calling and calling to come and
see about me. I pay taxes like
anybody else here. That's what
our taxes -- they pay for police
to come see about us.

I know a young man told me that he
had went out for a visit, him and
his girl friend out joyriding. He
drive back to his home, sitting in
his car, bothering nobody. I was
over there, and the police, three
of them, took him out and beat him
up terrible. Nothing has been done
about that. I don't think police
should beat people up like that.

We're not paying you to beat people.
We're paying you to protect people.
That's what you're for. (T67.)

Robert Foreman, a Black resident of the Rollingwood
area, testified regarding the Richmond Police Department's
attitude toward him. Foreman had parked his car in Richmond
and discovered it was gone when he came back. Later he

received a report that the car had been blown up. Foreman made a report to the Richmond Police and an appointment was arranged for Foreman to come in and see a detective. The detective accused Foreman of destroying his own car and according to Foreman, ". . . just about threw me out of there." (T222-223.)

6. Although Richmond has a predominantly minority population, the Richmond Police Department has an almost absolute lack of minority representation in its command structure.

The NAACP filed a law suit against brutality and the lack of minority police officers in the Richmond Police Department. Oliver Jones, an attorney on that lawsuit, testified that although over 60% of Richmond's population is minority, there were only two Blacks above the rank of patrol officer, and none in the command structure. (T94.) The almost absolute lack of minority representation in the command structure can only result in lessened sensitivity to the minority community.

7. The Richmond Police Department's internal affairs, training and evaluation functions have been criticized, and are the subject of a judicial consent decree.

As a result of the NAACP lawsuit the City of Richmond has agreed to implement certain changes in its internal affairs procedures. A civilian monitor is now to be involved in complaints of police misconduct. Richmond has also agreed to implement a system of periodic reviews of police officers, including an assessment of skills in dealing with minority persons. Richmond has also agreed to

discipline those officers who are involved in misconduct against the citizenry. (T95.)

Human Relations Response Team

Thomas M. Powers, chairman of the Contra Costa County Board of Supervisors, testified about the County's Human Relations Response Team. The Human Relations Response Team consists of the District Attorney, Sheriff-Coroner, County Probation Officer, and Director of Social Services. The Team was organized after the Tara Hills incidents, in recognition of the limitations of traditional enforcement agencies in responding to situations such as that which occurred in West Contra Costa County. Powers testified:

"The disturbances in parts of West County last year involved criminal and delinquent acts, youth gang activities, and racial antagonism. The sudden onset of this disorder strained the capacity of the community and official agencies to respond effectively. Problems of community organization, family stability, youth development, and public service delivery became apparent. What also became clear is that strengths do exist on the neighborhood level that can help diffuse crisis situations and that justice agencies can act effectively to protect the public and investigate, apprehend and prosecute offenders.

Traditional justice agency response to crime, delinquency, and disorder involves an individual and case approach from arrest to disposition. Individuals are arrested, prosecuted, and adjudicated, legal mandates, the agencies of the criminal justice system coordinate cooperation at many organizational levels from agency executives to line personnel."

Some situations, particularly those relating to disturbances of human relations within neighborhoods and communities, demand coordination beyond traditional criminal justice legal authority. In such cases, the criminal justice system needs to mobilize more successfully the latent resources within the community, including public and private social service agencies and organizations. Emerging situations must be identified and evaluated in a timely manner, so that the justice system in concert with other public agencies and relevant community groups, can act to eliminate violence and criminality. In recent years, several circumstances have arisen in Contra Costa County, a farmworkers' strike in East County, the east area rapist, where these problems surfaced. After the Tara Hills crisis, the County took action and created the Human Relations Response Team." (M77-78.)

According to Powers' testimony, the Human Relations Response Team has been meeting with community leaders and neighborhood groups to discuss community law enforcement needs and to determine the extent which governmental, educational and private resources can coordinate their efforts in response to problems in community relations. For example, the Team met in the Rollingwood area with the Rollingwood Improvement Association to discuss crime problems in that area.

The chair of the Human Relations Response Team is William O'Malley, the District Attorney. He described the need for County officials to become involved very early in

in situations like that in Tara Hills, and for the County to coordinate the efforts of its various departments. (M84.) He related the County officials had been swept along by the events and suddenly found themselves on the defensive as victims of racial violence organized public meetings and retained attorneys.

The Commission finds that the creation of the Human Relations Response Team is a positive step. The Commission recommends, however, that the Team formally include representatives from local community groups and civil rights organizations.

Recommendations

1. Law enforcement agencies must treat racially-motivated incidents seriously. Management must impress upon law enforcement personnel that racial violence and harassment cannot be dismissed as youthful pranks or vandalism.

2. Police reports on incidents or harassment, vandalism, assault, etc. must reflect racial motivation when it is present. The presence of Ku Klux Klan, Nazi, or other symbols of racial, ethnic, or religious motivation should be reflected in police reports. This would enable courts prosecutors and civil rights enforcement agencies to assess and act upon such incidents more effectively.

3. Management should ensure that officers make it known to the public that racial violence and harassment will not be tolerated by law enforcement.

4. The county Board of Supervisors must allocate funds to allow increased Sheriff's patrols in unincorporated areas. Patrol officers should be assigned in a manner

which allows law enforcement to maintain an ongoing familiarity with residents and events in the community.

5. Training, at both the academy level and on an in-service basis, must emphasize human relations skills in a multi-ethnic environment. Cooperation from local community and civil rights organizations should be sought in providing such training.

6. Management must be committed to implement affirmative action to remedy underrepresentation of minority groups in law enforcement.

7. Management must not tolerate racial harassment within the ranks of law enforcement. Perpetrators of such harassment must be identified and disciplined.

8. The Human Relations Response Team should be expanded to include representatives from local community groups and civil rights organizations.

9. The District Attorney should appoint a management level attorney to monitor race-motivated crimes, and to bring charges for civil rights as well as criminal violations whenever appropriate.

10. The District Attorney should continue to prosecute race-motivated crimes.

11. The issue of police-community relations and allegations of unnecessary force or brutality must be confronted by joint police and civilian review.

12. Law enforcement authorities should be available to meet with community groups to explain preventative measures against racial violence and to alert residents on procedures for reporting incidents.

F. Schools

Findings

"Kids are afraid to leave their homes alone. Their friends are afraid to come to their communities. This is at a time in the lives of these kids when friends are the most important part of their lives. Black, white, chicano, children and teenagers who used to be friends are now wary of each other. They don't trust each other because of the difference of the color of their skins. Children of their own races harass those that continue to pursue interracial friendships. Kids who have experienced the attacks and harassment are showing real signs of paranoia and at the same time they're feeling very inferior that something is wrong with them that people hate them and harass them and beat them." (Barbara Cross, M30.)

Schools may be viewed as a microcosm of the broader community and necessarily reflect the patterns of social interaction which extend beyond their campuses. Thus a comprehensive understanding of racial problems in Contra Costa includes an examination of the school system. Indeed, in describing the existence or nonexistence of racial tension in his school, Lawrence Chapman, principal of Richmond High School, stated "I don't think that anyone in this day and age can say that any society is without racial concerns, racial unrest. The Richmond High School situation presents no more serious a situation than you find in society as a whole. . . ." (T117.)

1. School segregation continues in west Contra Costa County.

Historically, the public schools in Contra Costa County have been racially segregated. Segregation in neighborhood schools, created mostly as a function of segregated housing, has been deliberately maintained, through careful selection of new building sites for schools and through manipulation of attendance boundary lines. (See Exh. 29, Rubin, Busing and Backlash, p.126. Much of the information in this section is drawn from Rubin's book, which provides excellent insights into the politics and problems of school integration.)

The first major controversies over integration in the Contra Costa schools erupted in the late 1950's. In 1958-59, attendance boundaries for the secondary schools which had previously been drawn along north-south lines, separating students in the flatlands from students in the hills, were redrawn to run from east to west. The result of this effort was to improve racial mixes at a few of the secondary schools. (Exh. 29, Busing and Backlash, p.79-80.)

In 1964 the elementary, middle, and high schools of Richmond, El Cerrito, Kensington, Pinole, El Sobrante, and Rodeo were consolidated into the Richmond Unified School District. One of the first measures taken by the new five member school board was to pass a resolution recognizing the existence of de facto segregation, and to appoint a "Citizen

Advisory Committee on De Facto Segregation" to make recommendations for solving the problem. Conservative factions in the community strongly opposed the development of plans to desegregate the schools, and criticized the Board's appointments to the committee. (Exh. 29, p.85-89; Exh. 2, LARJ report, p.34.)

Some community leaders concluded that integration would never be achieved without court action. In 1968, the Contra Costa County Legal Services Foundation filed suit in Contra Costa Superior Court, alleging that the Verde school in San Pablo was constructed in 1951 to create segregated schools (where schools previously had been mixed), and that the present mandatory attendance boundaries were drawn and maintained to promote and preserve this racial segregation. The school board did not contest the suit, and increased its efforts to develop a plan for desegregating the schools. (Exh. 29, pp.128-129.)

By December 1968, the Board had adopted a desegregation plan involving mandatory busing, which was to be implemented in the fall of 1969. Before its implementation, however, liberal proponents of the plan were defeated in the spring School Board elections by "anti-busing" candidates. The newly elected board rescinded the busing plan in favor of a voluntary open enrollment scheme. Another law suit was filed petitioning the court to enjoin the board from rescinding the desegregation plan. A

ruling from a superior court judge gave the district one year to demonstrate that its voluntary plan constituted adequate compliance with the law. In 1970, 1,000 students, mostly Black, participated in the program. By 1971, 1,500 students out of 41,400 volunteered. The effect of the plan was to spread about 1,500 Black students into predominantly white schools, while the ghetto schools remained all Black. Despite the court order, mandatory busing was never implemented in the district, and the voluntary open enrollment plan persisted until Prop. 13 took effect. Since 1978 the plan has dwindled due to the absence of county funded transportation. (Rubin, p.4, 167-168; Exh. 2 LARJ p.34-35.) Robert Foo, principal of Pinole Valley High School, testified that about 200 of his 2,000 students still commute from Richmond. (M105.)

Since the unification of the district in 1964, a few schools have experienced shifts in their racial makeup due to the changes in residential patterns, as minorities slowly move into previously all-white communities, and to the open enrollment scheme. For example, in 1967 the student body at Pinole Valley High school was 100% white. Today, almost 30% of its students are members of racial and/or ethnic minority groups. (M105.) Nevertheless, a de facto segregation persists in most schools in the district. In September, 1980, the total school population of the Richmond Unified School District included almost equal percentages

of whites and Blacks. Approximately 43% of the students were white, 40% were Black, 9% Hispanic, 6% Asian, and 3% American Indian and Filipino. The ratios are not reflected in most of the individual school populations. In September, 1980, Pinole Valley High was about 72% white, Gompers High was about 75% Black and 10% Hispanic. Eleven elementary schools had enrollments of 70% or more white students, and eight were 70% or more Black. Two elementary schools were 85% or more white and seven were 85% or more Black. (Exh. 20, Information from Supt. of Schools.)

2. Schools are not immune from the negative impact of racial violence in the broader community.

Attitudes of the local community are reflected in the schools: in the ways they are administered, in both the content and methodology of the curriculum, and in the attitudes and behavior of the students. When racial harassment and racial violence erupt in the communities, those behaviors are almost inevitably mirrored within the school population.

A number of individuals testified as to incidents of racial harassment experienced at school. David Vasquez and Harry Vasquez both attend Richmond High School instead of Pinole Valley School, which is closer to their home. Harry explained that he does not attend Pinole because; "Well, for

one thing I like to keep my arms and legs attached to my body, because if I went to Pinole Valley High, you got too many hassles." (T175.) David testified that he transferred schools "because I heard about students getting beat up and all that kind of stuff, and I didn't want to be involved." (T15.)

Robert Hernandez is a 14 year old student at Pinole Valley High School. He recalls standing in front of school at the end of orientation day when a car load of students pulled up behind him. "I turned around just to see who it was, and one of the guy. . . started looking at me and yelling, "No chucos going to this school, no chucos." (T154.) Hernandez testified that he experienced similar harassment "about every day" at school. On the second day of school he was followed home by two boys who flashed knives at him. He identified some of his harassers as members of the "Next Phase" gang. (T154-156.)

Karol Valdez testified that her fifteen year old daughter also transferred to another school because of continued harassment from white students. "She told me that the reason why her white friends were harassing her was that she was friendly with children of other races, like Chicanos, Indians, and Black children." (W110.) In addition to being called names and receiving crank phone calls, her daughter was followed home by boys who threw empty beer bottles at her.

Several individuals testified about the detrimental effects suffered by young people who have been victims of, or fear racial harassment or racial violence. Judi Hirsch, a Special Education Teacher, testified that all of her students expressed fears about the Klan after the violence erupted in Tara Hills and El Sobrante. Many refused to go anywhere alone, and were even afraid to attend school basketball games at other schools. Barbara Cross, Director of the Western Contra Costa Community Health Center, testified that young people who are subjects of racial harassment may develop fears of leaving home. Suddenly, they do not want to go to school, they feel paranoid, or inferior, and when at school they travel in groups of five strong. If they do attend school, academic performance often suffers. (M20.)

Ed Sanchez, the Director of Richmond Adolescent Drug Abuse Program also testified that many of his clients fear violent treatment by classmates. Lack of self-worth or self-esteem coupled with the availability of drugs and alcohol tend to create problems for some youth. Teenagers may inadvertently become involved with drugs and/or gangs then find themselves unable to sever their involvements because of threats from other students. Sanchez has transferred a number of his clients to different schools in attempts to remove them from anxiety-producing or potentially dangerous situations. (T46.)

In addition, Sanchez testified that many students feel threatened by a perceived presence of the KKK within the schools. Some of his clients spoke of white students who were allegedly Klan members "packing guns." A white student showed Mr. Sanchez cards soliciting membership in the KKK, purportedly passed about by gang members attending school. (T44-46.) David Vasquez also testified that he knew students at Pinole Valley Junior High School who claimed to be associated with the KKK. "Yeah, they claimed the Ku Klux Klan, you know, was the big thing, you know. They wanted to be in it. They wrote it on the walls, and on books, and, you know, everywhere you looked, there it was." (T177.)

3. Evidence establishing the existence of racial tensions at three of the local High Schools was presented to the Commission.

Richmond High School

Richmond High School has a racially mixed population of nearly 1,300 students.^{1/} Although there are minority staff members, the faculty does not reflect the racial composition of the student population (T118.)

A number of witnesses testified that students who transferred to RHS from other district schools because of racial harassment are much happier at Richmond High. Friendships appear to cross racial lines more frequently than at other schools, although the youth gangs in evidence on

campus are racially identified. (T119.)

Despite the generally congenial atmosphere, the presence of the Klan has been felt at Richmond High. Two different pamphlets recruiting youth to the KKK have appeared on campus. It is not known whether actual recruiting occurs on the high school property, or whether students acquire the pamphlets off campus and bring them to school. Principal Chapman asserts that, to his knowledge, claims of Klan recruitment on campus have not been verified. A KKK membership card was found by school officials in the possession of at least one student. It is also generally known that a local gathering place for Klan members exists near the school. Numerous threats made on Black students who pass the "hangout" on their way to school have forced Black students to utilize other approaches to the campus. (Exh. 2, p.37.)

A number of "incidents" allegedly Klan-oriented have occurred at Richmond High. In the fall of 1980 the football stadium was vandalized, and racist messages signed KKK were spray-painted on its walls. Shortly thereafter, on November 17, 1980, on California Street very near the campus, a confrontation between whites and Blacks who were purportedly involved in a drug deal, erupted into violence as one participant took out his gun and began shooting into a crowd. At the high school, students heard rumors that the Klan was on its way to shoot up the school, and panic set in.

Evidently, the administration quickly squelched the rumor and order was restored. After consulting with school security personnel and the Richmond Police, the school administration "closed" the campus for two days following the incident. (A "closed" campus means students and non-students are prohibited from freely entering or leaving the campus during the day.)(T113-115.)

Pinole Valley High School

Pinole Valley has a population of approximately 2,000 students.2/ Among the 5 administrators and 72 faculty members, there are a few Hispanics and Asians but no Blacks. (M112.) Robert Foo, the principal of Pinole Valley High School stated there is no "racial unrest" as such at his school, however there are always incidents of kids being harassed. (M106.) Foo acknowledged that the tensions resulting from racial incidents cause defensive reactions and paranoid feelings among the students, and generate an atmosphere which can be volatile. (M107.) The level of racial tension has caused a number of students to transfer to Richmond High in order to avoid harassment. (M111,112.)

Although Foo is unaware of any Klan literature being disseminated on campus, he admits to the existence of KKK graffiti on walls and on book covers. He had instructed his staff to confiscate books with KKK symbols and to attempt to have

the student explain the symbols. He feels many young people really do not understand the Klan and the doctrines it espouses. (M108.)

As principal of Pinole Valley, Foo has had only one direct encounter with the Klan. Two years ago, students were planning a dramatic presentation of the "The Diary of Anne Frank". Foo received a letter from a proclaimed leader of the Nazi party warning him that if the play were staged, every Nazi and Klan member in the area would picket in an attempt to disrupt the performance. Foo proceeded with the production; no confrontation occurred and the threat was later rescinded. (M109.)

There is some evidence that Pinole Valley High School students do belong to gangs, although the wearing of gang jackets and paraphenalia is prohibited on campus. Foo has seen members of local gangs, specifically the Blues Brothers, loitering in the vicinity of the high school campus. (M109-110.) Fred Persily, investigator for the Department, testified that if identified members of the white gangs are seen loitering near any school campuses, police are called and the youth are asked to "leave the area". (T11.)

Kennedy High School

Kennedy High School had a population of approximately 1,500 students in September, 1980.^{3/} According to Katherine Lord, a school board member, several incidents

on the campus last year have created a situation of mistrust, apprehension, and declining enrollment.

A possibly racially motivated attack by one student on another, rumors of students carrying weapons, and sexual harassment of female students were the impetus for a survey conducted by a group of concerned parents. The group went to the school board, and asked permission to administer a questionnaire to students at Kennedy regarding violent occurrences, sexual or racial harassment, presence of weapons on campus etc. Apparently, the survey was conducted, the results were given to the board, but no follow-up occurred.

Kennedy has suffered a drastic decline in enrollment this year apparently as a result of the bad publicity. Lord testified that "even though Kennedy High School had been singled out, everyone was completely aware that situations erupt in every school, particularly secondary schools in our district. . . and our district is not alone in this." (M122-124.)

4. The school board and the school administration have attempted to ignore, or deemphasize, the existence of racial tensions within the schools.

The School Board's "ostrich response" toward racial problems is exemplified in the testimony of Katherine Lord, a Board member. "It is the basic attitude of the Board right now, in a way, not to address itself or concern itself with

these kinds of problems that may erupt from time to time."

(M122.) Another school board member, Eddis Harrison, testified that "The only racial issue tht has come before the board in my tenure has been the issue of Martin Luther King's birthday." (M132.) A similar unwillingness to confront racial issues by the district administration is apparent.

Superintendent of Schools R.W. Lovette, in a letter to the Board dated December 23, 1980, stated, "A study of school disturbances throughout the nation reveals that school districts create problems by calling attention to off-campus problems that have no visible effect on the school grounds." (Exh. 20.) After the shooting incident near Richmond High School, Mr. Lovette proclaimed, despite the rumors about the Klan "shooting up the school" and the fact that the campus was closed by Richmond Police that "there was no violence, no shooting, no racial incidents on the campus of Richmond High School, and the students behaved in a mature, sensible manner as if the incidents off the campus had not taken place." (Exh. 20.) This statement is directly contradicted by testimony of Harry Vasquez, a sixteen year old Richmond High Student who said that, in response to rumors about the Klan, that "People started getting into fights and things, and it was just a big mix up between white, Blacks, Mexicans. Everyone was off in little groups and all fighting each other." (T176.)

Karol Valdez testified that when her daughter complained of racial harassment to the principal at Pinole Valley High School, his advice was not to be so sensitive and to ignore the kids who were taunting and teasing her. (W111.)

Eddis Harrison, a school board member, and administrative assistant to the director of the County Department of Alcohol and Drug Abuse and Mental Health testified that in the fall of 1980, when the Tara Hills incidents occurred, "I worked with the staff here in the school district. . . . to see if we couldn't provide some services from the mental health area to the staff of the school district and if needed, for the student. . . . To my knowledge those were never taken advantage of" (M133.)

Ed Sanchez testified that he has spoken to some school personnel, including guidance counselors, who have aired blatantly racist attitudes, and who refuse to take student complaints seriously. One counselor, in discussing a thirteen year old white transferee, opined that he would be no safer in another school. "You know how these Black families are; they're everywhere." (T46.) A parent, whose son was frightened by harassment at school was told not to worry, it's just some crazy kids. (T45.)

Les Radke, a business education teacher at Richmond High testified that after the violent eruptions of last fall

the faculty at Richmond voted to show the students a film made by channel 9 television about the Klan. The administration prohibited the screening of the film, labelling it "too controversial." (T199.) It is just this kind of response which the Commission finds destructive. Even if that particular film was inappropriate, some other vehicle for disseminating information about the Klan should have been found. In a situation where students were frightened and rumors were flying, information was needed. The administration should not have turn a deaf ear on that kind of request.

Ben Vismick, a substitute teacher at Holmes Junior High in Rollingwood, San Pablo, also testified that the administration does not want education about the Klan and other hate groups. (T294.)

Robert Hernandez Senior, a parent, described the administrative response as he sees it at Pinole Valley High. "This harassment by far hasn't stopped. It's getting worse. It doesn't only pertain to my family, but some of the Black families in the area, some of the other Chicano families in the area, and even some of the white youths that attend Pinole Valley High School. Students in that school are afraid to attend school. They are afraid to attend classes. And the school says they don't know a thing about it." (T167.)



Recommendations

1. The school board must adopt aggressive, affirmative measures to resolve racial problems in the schools as soon as they are identified.

It is the responsibility of the school board, as the policy making body, to identify racial problems, to initiate innovative approaches to solving those problems, and to take a leadership role in ensuring that solutions are implemented.

The Commission is convinced by the testimony that not only is it inappropriate, but it is impossible to attempt to insulate students from "off campus" problems. If violence erupts in the community, which must inevitably result in tension among the students, the effectiveness of the school as a social institution is undermined unless it can begin to dispel the fear and tension which are generated.

2. A strategy to curtail racism should begin with the school curriculum.

Eddis Harrison stated that "one of the problems I'm most concerned with and aware of is a very unrealistic fear about the racial composition of the district. . . We have spent the last twelve years with a concern in this district about forced two way busing. In that time frame, this community has changed dramatically. . . I think we have to look at that and plan our programming appropriately." (M130-

131.) The board, must be responsive to changes in its constituency which create different needs in school programs.

Katherine Lord said that to her knowledge, there is not a specialized part of the curriculum that deals specifically with racism, other than that in the broadest context possible in history or civics. (M126.)

The board should appoint a broad based committee to develop a strategy for integrating into the curriculum studies to combat racial prejudice. It is particularly important to insure that instruction in these areas is not offered on a "elective" basis, but is integrated into a basic course of study so that all students are assured exposure.

Many of the experts testified that access to accurate information is crucial in combatting racist attitudes, which are often built on myths and stereotypes.

According to information received by the Commission, some schools, such as El Cerrito High, offer elective Black Studies classes, where the Klan is openly discussed. El Cerrito High also sponsors a yearly Human Relations Day which permits students and faculty to focus discussions on areas of possible racial discord.

None of the High Schools, however, offer a legitimate, integrated, ongoing forum in which interracial studies and the psychology of prejudice in our society is addressed.

An example of an informational program which might be useful to the school board is presently being developed by the Legal Alliance for Racial Justice. They have proposed to disseminate an informational pamphlet, and to conduct a series of forums through which students may begin to recognize existing problems, and have an opportunity to air their views. Information would be provided on the history of the Klan and its role in contemporary American society. Although this program would involve at most only a few student sessions, local community members would act as discussion leaders, and an impetus might be provided for a continuing dialogue. We feel the program would offer a useful vehicle for introducing students to a study of race relations. The Commission urges the board to welcome LARJ into the schools in its endeavor to ameliorate racial tensions.

The National Education Association has recommended a number of books for an anti-racist curriculum. The board should consider purchasing some of these for libraries or for use in specific classes. If textbooks are replaced, those which offer a multi-cultural perspective should be afforded a high priority.

Extracurricular programs are crucial in that they provide settings where students of different backgrounds can relate in constructive ways. Ben Vismick testified that "We've seen in our district, a lot of us there, that athletic



programs have been cut. Music education in the elementary schools has just about disappeared. These things are being called frills. It's these types of activities which can do a lot to curb the incidents in the Richmond Unified School District, and yet our district has axed those programs which would bring. . . youth together in productive enterprises. So, we find that more of our youth now are on the streets, and that's where the trouble starts." (T294.) The Commission, although aware of Prop. 13 cuts, feels strongly, that these kinds of programs must be saved.

3. Guidance and counselling services must anticipate problems, and focus efforts on dispelling tensions before incidents occur.

It is particularly important to train staff so that this process can be permanently incorporated into the school services offered to students. Dr. Don Goldmacher, director of Contra Costa County Mental Health Services, suggested that consultation teams which include individuals skilled in racial conflict resolution be invited into the high schools. These individuals could work with guidance counselors, teachers, and students to begin to develop means of resolving tensions and dispelling myths and stereotypes held by all young people.

According to Ed Sanchez, schools experiencing racially- motivated violence and/or drug related crimes may

qualify for government aid in the form of drug prevention programs which focus on racial violence and the elimination of disruptive behavior. The Commission recommends that the district explore outside funding sources for special services directed at troubled youth.

4. The district must increase the number of minority teachers and counselors on its staff.

Although the Commission does not have before it figures, the testimony suggested that the teaching, counselling, and administrative staff do not reflect the proportion of minority students in the district.

For example Principal Foo testified at Pinole Valley there are no Black teachers or counselors. (M111.) The Commission believes it is crucial to provide role models for students. An interracial faculty sets the stage for changing students' attitudes.

5. Parents and students must be informed and involved in the district's efforts toward racial harmony.

Parents and students must be included in planning sessions; they must be advised of problems at school, of changes in the curriculum etc. to insure that their necessary support is obtained. An ongoing dialogue, whereby information and feelings are exchanged, is crucial, and must include representatives from all sectors of the community.

Parents and students must be encouraged to attend meetings and to speak freely. The district has an obligation to insure that all voices will be listened to and heard. Such involvement will increase the commitment of all concerned toward achieving racial and cultural harmony.

6. The district must cooperate with community agencies - responsibility for the lives of the students does not cease at the end of the school day.

The schools must redouble efforts to communicate with law enforcement about off campus problems which are reported by students, or which are evident to school personnel.

The mental health and juvenile justice resources of the community must be tapped to extend counselling services for students in need. More and better recreation programs are needed for community youth. School facilities should be offered to community groups so that the greatest use can be made of existing facilities.

7. The ethnic diversity of the community should be valued, not ignored.

People living in multi-cultural, multi-racial community can learn to treasure its variety instead of fearing it. The schools can play a crucial role in encouraging young people to venture out of the security of

"sameness" and to develop intellectual and emotional maturity.

8. The school district should provide in-service training to teachers which will improve their intergroup communications and conflict resolution skills.

Footnotes

1/ In September, 1980, the racial composition of Richmond High School was approximately:

32% White	8% Asian
39% Black	5% American Indian
19% Hispanic	1% Filipino

(Exhibit 20)

2/ In September, 1980, the racial composition of Pinole Valley High School was approximately:

71% White	4% Asian
16% Black	25% American Indian
5% Hispanic	4% Filipino

(Exhibit 20, M105.)

3/ In September, 1980, the racial composition of Kennedy High School was approximately:

26% White	7% Asian
63% Black	5% American Indian
3% Hispanic	1% Filipino

G. Community Groups

Findings

1. Community residents define the moral climate of their neighborhoods. Community attitudes can be changed to stem racial violence.

The Commission reiterates that despite the efforts of law enforcement, schools, and the government, racial tension will continue unless and until local residents, neighborhood and community groups actively work to change the moral climate of their neighborhoods. Racial tension can be eased by dialogue among parents and children, families and neighbors, ministers and their congregations. The Commission calls upon families, neighbors, churches and community groups in the immediate areas which have been troubled by racial violence to take the lead in preventing further outbreaks and in healing the wounds of racial and ethnic misunderstanding.

2. Community groups played an important role in opposing racial violence and supporting victimized families, but there was not a community-wide consensus against racial prejudice or violence.

The Commission is highly gratified that numerous community groups came together to oppose racial violence and to support the families who had been victimized. At the same time the Commission was disappointed that more visible support did not come from residents in the immediate neighborhoods of the victimized families.

Around Christmas of 1980, members of the East Bay Organizing Committee conducted a door-to-door canvas of the immediate neighborhood surrounding some of the families they were assisting. Approximately 236 households were contacted. Seventy-five households immediately responded with sympathy and interest. Eighty-two households were initially cautious and had been misinformed on certain issues. Once the facts were clarified, these households indicated their support as well. Fifty-two households were either passive or slammed the door in the volunteers' faces. Twenty-seven households were openly hostile and the inhabitants made hostile and sometimes violent racial remarks to the volunteers.

(W101-102.) The volunteers found that although a large number of the households contacted indicated some racial prejudice, violence was generally considered unacceptable.

The Commission urges that residents must work to eliminate racial prejudice as well as be opposed to violence if the few who practice racial violence are to be curbed.

Among the community groups which were involved in west Contra Costa County were:

Citizens Against Racial Violence (CARV)

CARV was formed by a coalition of individuals of various ethnic groups, ages and occupations, trade unions, and church groups who were outraged at the racial violence in the county and wanted to do something about it. (Barbara

Cross, M17-18.) CARV was instrumental in involving the Department of Fair Employment and Housing, and eventually this Commission, in these public hearings. CARV remains active in building widespread community involvement to combat racism in west Contra Costa County.

Legal Alliance for Racial Justice (LARJ)

Thomas Myer, an attorney in Richmond, testified on behalf of the LARJ. LARJ was formed in December of 1980 in response to various incidents of racial violence in Contra Costa County. LARJ is composed of over forty members of the legal community in west Contra Costa County. Its members include private lawyers, public defenders, district attorneys and judges. Shortly after it was formed, the group began an investigation into whether there should have been more protection by law enforcement and second, the prevalence of attacks on families in Contra Costa County. In an effort to resolve these questions, members of LARJ decided to put their professional expertise to good use and undertook an investigation of some of the incidents which occurred within the county. The investigation was conducted by a sub-committee comprised of lawyers and legal investigators with professional investigative experience. Following the investigation, LARJ issued a report in April, 1981 which documented the incidence of racially motivated harassment and

of racially motivated violence and general racial antagonisms in the county. The report also examined the response of local law enforcement and the schools. The LARJ report is Exhibit 2 in the record and was of great assistance to the Commission.

LARJ has undertaken to organize a speakers bureau consisting of lawyers and other members of the legal community to speak on the history of the Klan and racism in this society. LARJ plans to send speakers to high schools to discuss the problems and dangers of racism in our society. To this end, LARJ has met with the Superintendent of Schools in Richmond and has offered a speakers program on various campuses throughout the school year. The school district has not yet agreed to this program. LARJ has written an educational pamphlet on racism which will be available to the school system.

East Bay Organizing Committee (EBOC)

Mr. Paul Milne offered testimony on behalf of EBOC. Mr. Milne is a staff organizer and former staff director of EBOC. EBOC is a community-based human rights organization which advocates and organizes direct action to advance and defend human rights. EBOC believes it is essential that individuals in communities personally involve themselves in stopping the abuses of human rights. EBOC organized and carried out the Community Watch Program in the troubled

areas of the county such as Tara Hills. EBOC members became aware of racial violence in Tara Hills through the news media and felt that a community response was needed to clearly show that racial violence was unacceptable behavior in their communities.

The Watch lasted thirteen weeks and involved more than 500 persons from more than one hundred trade unions, churches and community organizations. The Watch was arranged so that at least two people on four hour shifts watched the homes on a twenty-four hour basis. Watch participants were unarmed. They had notebooks and flashlights and were instructed to carefully observe any activities that took place. They were instructed to write down license plates and descriptions of suspicious activities.

The Watch was essentially designed to do three things. First, to provide security for the families so that they could sleep; second, by being visibly present, to deter racist actions; third, to monitor visible actions by local law enforcement so as to determine the services they were providing.

3. There are many organizational resources within the community which can be utilized to curb racial tension.

Within the Tara Hills area are groups such as the Citizens Committed to Community Advancement, headed by

Barbara Parker, and the Tara Hills Community Association, headed by Donna Worth. Both Parker and Worth have been working to encourage residents in their community to come together on community issues such as crime prevention, opposition to the opening of a card parlor in a local shopping center, police and fire protection. Although Donna Worth thought that the media had sensationalized the events in Tara Hills, both Worth and Parker acknowledged the problem of racial violence in their community and the need for community involvement to end such violence.

The NAACP has been active in Contra Costa County since the 1940s and continues to work for better race relations. The NAACP has reached a consent decree with the Richmond Police Department regarding affirmative action and civilian review of complaints of police misconduct. (T94-95.)

The Mexican American Political Association (MAPA) met with a number of elected officials including Sheriff Rainey, Congressman Miller, and District Attorney O'Malley to express its concern over the outbreaks of racial violence in the county. (T281.) MAPA has for more than twenty years been involved with issues affecting the Hispanic community. MAPA has been active in east Contra Costa County, where racial slurs by school faculty and administrators resulted in a boycott of Pittsburg High School by Chicano students and parents. (T283.)

Mr. Robert Jacobwitz testified for the Jewish Community Relations Council in the East Bay. During the last few years prior to the hearing, Mr. Jacobwitz stated he has worked with minority groups to cope with the problems posed by the KKK and neo-Nazis.

Mr. Jacobwitz's experience and the experience of other Jewish people in the greater East Bay indicates that there is an overlap of membership between the KKK and neo-Nazis. The Jewish community has experienced problems similar to those experienced in west Contra Costa. In 1980, Jewish synagogues were vandalized and a bookstore in San Francisco was fire bombed. Nazi swastikas were posted at the site of these incidents.

JCRC has attempted to cope with these problems. For example, three to four months prior to the Commission's hearing in Richmond, JCRC met with members of the Black community in Richmond to discuss establishing the Alliance of Minority People. During this meeting, a woman claiming to represent the neo-Nazis and the KKK rose to speak. Mr. Jacobwitz was critical of the media's handling of the event. He stated that news articles focused upon the disruption caused by the KKK member rather than upon constructive work which was accomplished during three quarters of the meeting.

Additional activities by the Jewish community included the thwarting of efforts to open a Nazi gathering place and bookstore in Berkeley. The Jewish community and

others in the community worked with the police department to stop efforts to open the bookstore. Mr. Jacobwitz noted that other apparent neo-Nazi incidents have occurred throughout California and stated that the Jewish community has therefore attempted to work with others to develop a support system within minority communities to handle racial and religious violence. (M88-92.)

The Richmond Federation of Teachers has called upon the Richmond Unified School District Board of Education to convene a special session to address the problem of racism to the community.

The Guardians for Justice is a group of minority personnel in the Richmond Police Department which addresses issues of concern to minorities within the police department, and which provides services to the community, such as the provision of security services for civic functions.

The Contra Costa County Mental Health Center has been highly supportive of community-based efforts to bring people together in opposition to racial violence.

Churches and synagogues are an important resource which can be especially effective in changing the moral climate of the community. Many churches, synagogues, and congregation members were involved in the community's response to racial and ethnic violence.

Recommendations

Community and religious groups should:

1. Actively solicit participation by all persons in the community to fight racism and racial violence.
2. Establish on-going organizations which will work with residents, mediate disputes informally where possible, work with law enforcement and the schools to identify and reduce racial violence.
3. Establish rewards for information leading to the arrest and conviction of perpetrators of racial violence.
4. Organize community and interfaith forums to educate residents on the problems of racism, violence and the need for neighbors to look out for each other.
5. Work with youth gangs to establish constructive outlets for their energy, frustration, and fears. E.g., California Conservation Corps, East Oakland Community Values Program, Guardian Angeles.
6. Maintain a system for community patrols and watches if necessary.
7. Work with all racial and ethnic groups to encourage them to speak out against racism.
8. Work with churches to increase their involvement in reducing racism and violence.
9. Demand that the school board take steps to educate children about the dangers of racism and racial violence.
10. Unite in efforts sponsored by other community groups in other areas to strengthen their effectiveness.
11. Organize rallies, celebrations, moratoriums, festivals, etc., to promote community interaction and racial harmony. Work with local government in organizing such activities.
12. Monitor KKK-type activities.
13. Work with media so that views opposing racist and violent ideology get equal time as that given to hate groups.

14. Call on political leaders on all levels of government to speak out against racism and violence.

15. Organize speakers to educate students on problems of racism, gangs, and racial violence.

16. Demand that law enforcement be sensitive to racially-motivated incidents, and that minority groups are represented in law enforcement agencies.

H. Legislation

Findings

1. Existing state and federal civil rights laws should be utilized against racial, religious, and ethnic violence and harassment and housing discrimination.

State Laws

The Unruh Civil Rights Act, Civil Code section 51, prohibits discrimination based on race, religion and other arbitrary bases in the provision of accommodations, privileges and services in all business establishments of every kind.

The Ralph Civil Rights Act, Civil Code section 51.7 goes further to declare the right of all persons to be free of any violence or intimidation by threat of violence against them personally or against their property because of their race, religion, or other prohibited bases.

Civil Code section 52, subdivision (b) makes persons liable for \$10,000 and actual damages when found guilty of denying or guilty of aiding, inciting or conspiring to deny persons of their right to be free of violence or intimidation by threats of violence. Further, Civil Code section 52, subdivision (c) grants the Attorney General, any district attorney, city attorney or private person authority to file a civil action seeking preventive relief such as a permanent or temporary injunction when they have reasonable cause to believe that any person or group is engaged in a

engaged in a pattern or practice of "resistance to the full enjoyment" of a person's right to be free of, among other things, any racially discriminatory provision of accommodations, facilities, privileges or provision of services from business establishments.

Government Code section 12958 of the Fair Employment and Housing Act "the Act" (Gov. Code, §12900 et seq.), makes it unlawful under the Act for a person to deny, aid, incite, or conspire in the denial of the rights created by Civil Code section 51 and 51.7 discussed above. Consequently, the Department of Fair Employment and Housing and the Fair Employment and Housing Commission may resolve cases involving a violation of a person's right to be free of racial violence, intimidation by threat of racial violence and the right to be free from discrimination in accommodations, privileges and services in or by business establishments.

The Department of Fair Employment and Housing and the Fair Employment and Housing Commission enforce the Fair Employment and Housing Act mentioned above. The Act prohibits both employment and housing discrimination. Complaints of discrimination in employment, housing, and public accommodations may be filed with the Department, which has field offices throughout the state.

A.B. 1613 (Berman), now law, amended Penal Code section 11460 to prohibit the assembly of paramilitary

organizations for the purpose of practicing with weapons. Paramilitary organizations are defined as organizations which engage in instruction or training in guerilla warfare or sabotage, rioting or violent disruption of school activities.

Federal Laws

The federal Fair Housing Act, 42 United States Code sections 3601 et seq., establishes prohibitions against the discriminatory sale, rental, and financing of housing. Further, 42 U.S.C. section 3617 makes it unlawful for anyone to coerce, intimidate, threaten, or interfere with any person's ability to exercise and enjoy fair housing rights free of discrimination.

42 U.S.C. section 3631, provides that when persons use force or threats of force to injure, intimidate, interfere with, or attempt to injure, intimidate, or interfere with another's right to, among other things, sell, purchase, occupy, rent, or finance housing without discrimination, they may be fined between \$1,000 and \$10,000 and imprisoned between one and ten years depending upon whether their actions caused bodily injury to a protected class member. If the actions resulted in the death of member of a protected class (e.g., race, religion, sex, or national origin), the perpetrator may be imprisoned for any term of years or for life.

There are number of federal statutes which prohibit the abridgement of various federally and constitutionally protected rights. Rights protected by those statutes which are relevant to Contra Costa County residents include the right, regardless of race, color, religion, or national origin, to have access to public accommodations, to be protected against violence, to freely exercise one's religion, to enroll in and attend any public school or college, and to enjoy any benefit, service, program, facility, or activity provided or administered by any state or subdivision thereof. Specifically, 18 U.S.C. section 241 authorizes a fine of up to \$10,000 and imprisonment of up to ten years (or life if death is caused) when persons conspire to "injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment" of any right or privilege secured by the U.S. Constitution or federal laws. That when two or more persons go "in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment" of any federal or constitutional right or privilege. In comparison, 18 U.S.C. section 242 authorizes a fine of up to \$1,000 or imprisonment of up to one year (or life if death results) when anyone, "under color of any law, statute, ordinance, regulation, or custom," willfully deprives any person of any federally or constitutionally protected right on the basis of their being an alien, or on the basis of their race or color.

Similar provisions are found in 18 U.S.C. section 245 which also provides that persons acting under color of law or acting in their individual capacities may be fined up to \$10,000 and imprisoned up to ten years (or life if death results) for using or threatening to use force to injure, intimidate, or interfere with federally protected activities which include participation in programs receiving federal monies, enrollment in and attendance at public schools and colleges, and enjoyment of any benefits or services provided or administered by any state or subdivision thereof when the interference, intimidation, or injury is based upon race, color, religion, or national origin.

The United States Department of Justice (DOJ) is charged with enforcing the federal laws discussed hereinabove. Generally, the Federal Bureau of Investigations (FBI) investigates complaints alleging that those laws have been violated. The DOJ ususally oversees the FBI investigation.

2. Legislation has been proposed which would more strictly prohibit acts of racial, ethnic, and religious violence and terror.

Attorney Robert L. Harris, former President of the National Bar Association, testified on behalf of the California Association of Black Lawyers (CABL). Harris, a resident of Richmond, called for support for Senate Bill 267,

authored by state Senator Diane Watson and sponsored by the National Bar Association and CABL. (M152-153.)

Mr. Harris testified that CABL drafted SB 267 to deal with racially motivated violence. The bill was written, stated Mr. Harris, in view of the persistent advocacy of violence against racial minorities and the historic existence of a discriminatory legal system. Studies conducted by the National Bar Association indicated that punishment for crimes against Black persons was less than the punishment handed down for crimes against whites. Mr. Harris tied this phenomenon to the legal system's indifference to and denial of the rights of Black people, citing as an example the 1857 United States Supreme Court case of Scott v. Sanford (cites omitted) which held that a Black person "has no rights that a white man is bound to respect." Mr. Harris viewed this abhorrent legal principle and the current national disparity in sentencing when victims of Black, as evidence that racist hate groups are legally allowed to exist, assemble, hold rallies and advocate violence today merely because their victims are Black.

Senate Bill 267 would provide that it shall be unlawful for any group to meet, advocate, and take substantial action in furtherance of, the commission of an unlawful act of violence likely to produce the imminent and unlawful infliction of serious bodily injury or death of another person. Injunctive relief against such advocacy

would be available.

The bill would also provide that any person who burns or desecrates a cross or other religious symbol or displays a symbol, including but not limited to Nazi swastika, on the private property of another without authorization for the purpose of terrorizing another shall be punished by imprisonment for up to one year and fined up to \$5,000.

Attorney Oliver Jones spoke against the creation of new laws aimed specifically at racial or religiously-motivated acts, and stated that existing laws are capable of dealing with organizations alleged to be engaged in terrorist activities. (T88-89.) Jones instead called for the state Attorney General, local District Attorneys police and sheriff's departments, who have been reluctant to investigate and prosecute acts of racial terror, to enforce already-existing civil rights laws. (T89.)

Concerns were raised that legislation such as S.B. 267 might infringe upon the civil rights and liberties of legitimate organizations. Both Jones and Fania Davis, an attorney and member of CARV, testified that proposed legislation such as S.B. 267 might endanger the rights of progressive organizations. (W136.)

Recommendations

1. The Department of Fair Employment and Housing, the Attorney General, District Attorney, police and sheriff's departments must vigorously enforce the Unruh Civil Rights Act (Civ. Code, §51) and the Ralph Civil Rights Act (Civ. Code, §52). Violations of one or both of these Acts is likely where there are acts of racial, ethnic, or religious violence or harassment.

2. State and local authorities should seek the assistance of federal enforcement agencies such as the Department of Justice when there is evidence of violation of federal civil rights laws.

3. Government and the community should support the passage and enforcement of laws against acts of racial, ethnic, and religious violence and terror.

4. The legislature should adopt legislation directing the Commission on Peace Officer Standards and Training (POST) to require all law enforcement agencies within its jurisdiction to provide training in the resolution of racial conflict and violence.

5. The legislature should adopt legislation directing the Department of Education to mandate curriculum designed to promote racial, ethnic, and religious harmony and understanding, and to provide students an accurate portrayal of hate groups such as the Ku Klux Klan and Nazis.

6. The legislature should adopt legislation directing local law enforcement agencies to monitor the activities of violent and racist groups such as the Ku Klux Klan and Nazis.

7. The legislature should adopt resolutions condemning racial, ethnic, and religious conflict and violence.

IV.

CONCLUSION

The Commission is hopeful that its Contra Costa hearings and report will help prevent a reoccurrence of racial and ethnic conflict in that county. The hearings afforded the community and local government an opportunity to assess their responses to the incidents and to suggest improved responses for the future. This report is the Commission's synthesis of the hearings and the Commission's own observations and recommendations. We trust that public officials and private individuals and organizations in Contra Costa County will implement the recommendations.

The Commission is also hopeful that this report will aid communities throughout the state in the prevention and response to similar problems.

The Commission recognizes that social tensions, including racial, ethnic, and religious conflict, often increase in times of economic recession. The Commission also recognizes that the recession and state and federal retreats on domestic issues bode no immediate relief for the unemployment problem (especially among minorities and youth) and the lack of housing for those of low and middle income. Therefore, a strategy to prevent racial, ethnic and religious conflict and violence must include local involvement in the formation of state and national priorities and policies.

Within local communities, there are many measures which can be taken to prevent and respond to racial, ethnic, and religious conflict and violence. Specific recommendations were made in this report, we here list the principal actors needed to implement those recommendations.

Residents and families define the moral climate of their communities and so should work to end prejudice and violence, and come to the aid of neighbors when violence or harassment occurs. Youth can and should direct their energies into improving community relations.

Neighborhood groups and community-based organizations are often the catalysts which make government, the schools, law enforcement and public agencies respond to problems and needs in the community. In and of themselves, such groups and organizations can provide services and direction which improve the quality of community life.

Churches have a special influence on the moral climate of communities and can be instrumental in the prevention and resolution of conflict and violence.

The business community has economic resources and expertise which should be contributed toward youth-serving organizations and programs. In addition, the business community should redouble its efforts to provide employment for all segments of the community.

Local government directly influences social and economic conditions through its decisions on housing and development, zoning, incorporation, social services, law enforcement, etc. These decisions must be made in light of their likely social impacts. With specific regard to racial, ethnic, and religious conflicts, local governments should establish civil/human rights commissions at the local level to monitor the human relations climate in the community, to advise government, and to provide conflict resolution assistance. Local government must be prepared to immediately respond to conflict, violence, and harassment.

Law enforcement authorities must improve their community relations efforts. Of primary importance is the need for police (and sheriff's) departments to be representative of the communities they serve. Harassment of minority personnel within law enforcement agencies must not be tolerated. Training in human relations and conflict resolution skills must be improved. Police and prosecutors must be prepared to respond rapidly to arrest and prosecute persons engaged in racially-motivated incidents.

The schools can play a critical role in preventing racial, ethnic, and religious conflict. School districts should provide curricula, counseling, and activities which encourage harmonious relations among diverse groups of students.

Racial, ethnic, and religious conflict is an ongoing problem in American society. The Commission calls upon all individuals to lend their good will and good offices to the implementation of these recommendations, and to the elimination of such conflict and violence.

APPENDIX

Exhibit 5: Unsigned anti-Jewish, anti-Greek, anti-Black letter received by DFEH staff members David Oppenheimer and Rudy Portis after announcement of Contra Costa hearings.

Exhibit 28: Ku Klux Klan recruiting pamphlet.

Exhibit 30: Threat letter received by Handy family from "White Unity of PINOLE."



SEP 1981

David "The Jew" Oppenheimer

Rudy - Now is the Greek crooks i.d.f.e.a.m.s & Petris - Fortis

As our college instructor noted, while the fucking Jews make up only 3% of the population, they cause 90% of the trouble.

We are not surprised that a Jew is in charge of this anti-white witch-hunt on 10-5, 6 & 7. Our people will be there to take notes, photos etc. And we know that if a fucking Jew is in charge, not ONE case of nigger violence will be allowed.

But Jew-boy, during those same 3 anti-white, anti-American Jew days in October, all across California, flyers will be distributed noting:

✓ How 4 niggers beat, robbed and RAPED a blind elderly white woman in San Francisco (but no Jew set up a commission or hearings on that violent crime) but then we are sure that David Oppenheimer approves of that vicious crime.

✓ Or how niggers beat, robbed and RAPED a white woman who was at Christmas choir practice (but no Oppenheimer hearings on that) but if she was a Jew - oboy, would we have hearings.

✓ Or how 4 niggers beat, robbed and RAPED a blind college girl and then tried to murder her (but no Jew hearings then).

✓ Or how Ambrose "nigger" Smith stole Muni buses (if he were white, he would have gone to jail). But Diane - Jew - Feinstein gave him a job. And what did this nigger do, he RAPED a German girl (but to a Jew like Oppenheimer, that is quite alright).

✓ Or how niggers attack Americans (white) and tourists all the time, but not one fucking commission from Oppenheimer or that piece of shit, Jerry Brown or the Fair Housing Commission.

As the Gay gentleman said, let the welfare niggers go back to Oakland where they belong. Not to UN-fair nigger housing.

Chicanos HATE niggers per the murder of a young Chicano boy and the murder of a respected Chicano policeman. But then Chicanos hate Jews per their boycott of Mexico.

Italians HATE niggers per the murder by a nigger of a respected social-humanitarian woman.

If the Jews and Jerry Brown raise the Martin Luther King Day, it will be great in that on the 15th every year, it will be a day to start off HATE per the HATE nigger-for-the-year!

If the '84 Olympics come off, there will be massive HATE nigger demonstrations in L.A. (home of Bradley & Miles). '82 will be a banner year for HATE in Calif.

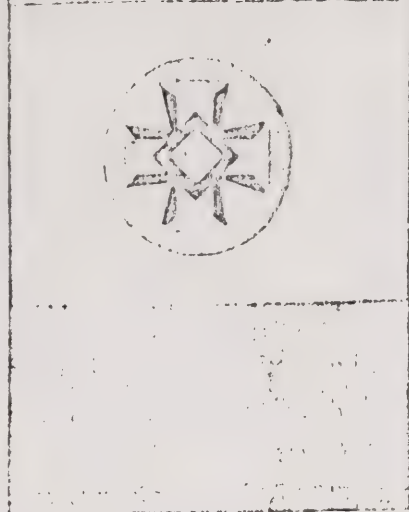
And Oppenheimer and his anti-white meetings will be used to show why everyone (especially the young) MUST join any and all anti-nigger groups as the government allows and encourages niggers to RAPE & MURDER WHITES.

EXHIBIT 28

All Submission in the

Invincible Empire

Knights of the Ku Klux Klan



there are White people — we are. Our Communist and Jewish enemy are all over the world, and we are there to meet and defeat them.

(9) The KKK is a fraternal movement. We are actually building today our new Community of White racial brotherhood. As a result we are unified and strong.

The Klan is saying, it is pulsating forward and growing with every day and every hour. The storm is coming, but we Klansmen welcome it because with it we'll see the rebirth of our kind, dedicated once more to the principles which built it, and dedicated to the ideals which will carry it forth to the greatest level of civilization the earth has ever seen.

YESTERDAY TODAY TOMORROW

(1) I am interested in joining the Invincible Empire knights of the Ku Klux Klan. Please send me an application.

(2) 10 copies of this leaflet \$1.00 Postpaid.

One year subscription (12 issues) of the KLANSMAN, the official tabloid newspaper of the Knights of the Ku Klux Klan \$6.00.

(3) Please enter my subscription. Enclosed is \$6.00 for one year.

(4) I would like to contribute toward your work.

These are thousands of organizations working for the interests of blacks. Many groups stand up for the cultural values and ideas of the White Majority. Not many, as a result, we are faced with severe discrimination in jobs, promotions, and education. Many for forced integration, high taxes for minority welfare, a high rate of brutal crime, uncontrolled anti-white mobs and TV programs which instill a society oriented to the wishes of minorities. We of the Ku Klux Klan are unapologetically committed to the interests, ideas, and cultural values of the White Majority. We are determined to maintain and enrich our cultural and racial heritage. We are growing fast and strong. We have never compromised the truth. Interested in finding out more? We'll send you a copy of the KLANSMAN newspaper and more information FREE, write:

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"right-wing movement", but they cannot black out a "movement" that they themselves have represented as such a dire threat to "race-mixing." For years the media has used a "misrepresented KKK" as a vehicle to arouse sympathy for the Blacks.

Today, many people have experienced the Blacks fast-food and have seen the savagery and animalism in many of these people. White people simply will not buy the "equality" propaganda anymore, and have begun to doubt some of the anti-Klan hysteria that they have been fed in school and from TV and movies. Once people understand that the KKK is simply a Movement of White people for the highest standards of Western, Christian Civilization, and that the KKK did WIN its first struggle for our people in the Post-Civil War period, they naturally turn to it as an answer to today's crisis.

There are some reasons why we are growing so fast and why the Klan Movement is the White people's answer:

(1) The Klan name and symbol break through the paper curtain of the New media and bring us to the attention of those Americans who would not know anything of us. But for you, an answer someone heard the correctness of an idea, you must first sound that person with your "Klan".

(2) The Klan is fighting for an entire outlook of life, a philosophy of living. We are not only crusading for ourselves and our families, but are vanguards of a new human quality.

(3) The Klan is honest and open as to its beliefs, especially concerning racial matters. To win victory in an idea, that idea must be stated, promoted, and defended.

(4) By our open stance on the issues, the men and women we attract to our Movement are not cowards or hypocrites, but are willing to boldly face the tasks before us and to fight until victory.

(5) The Klan has a reputation of victory, it is well known that the Klan saved the white south from the barbarities.

(6) The KKK has its emphasis on action, and is not merely a "publishing organization".

(7) The Klan is youth oriented. The young people of today will determine the kind of nation we will have tomorrow. Any Movement that wants to make history, must win the young. We are

(8) The Klan is world wide in scope. Where ever

After the cannon fell silent and peace descended upon the battlefields of the war between the states, there came an infamous chapter of American History called "The Reconstruction". From this era, the abyss of human misery and despair, there arose in the morning sun the Ku Klux Klan. The Klan movement provided for the people of the south the leadership and rallying point to begin their arduous struggle to regain their lost dignity and indeed, the values of western civilization.

The glorious ride of the Ku Klux Klan of the Reconstruction era is immortalized by its achievements. No misrepresentations by prejudiced historians or by the aliens who control America's mass media can dim the lustre of its deeds, or rob it of its rightful place in history as the savior of the white south, and thereby, the preserver of the purity of the white race for all of America.

The Invincible Empire keeps alive the memory of the original Klansmen and the principles and traditions for which they risked their lives. However, the Klan today does not exist just as a memorial.

accomplishments, but as a living instrument for the people of Western Christian Civilization and the one element that makes them possible: the White Race. Just as mere political association, the Klan is indeed a brotherhood, a new White Racial community that actually LIVES and functions by the ideas it promotes.

★ ★ WHAT THE KLAN STANDS FOR ★ ★

1. THE WHITE RACE: The irreplaceable hub of our Nation, our Christian Faith, and the High levels of Western Culture and technology.
2. AMERICA FIRST: First before any foreign or alien influence or interest.
3. THE CONSTITUTION: As originally written and intended. The finest system of government ever conceived by man.
4. FREE ENTERPRISE: Private property and ownership of business, but an end to high-finance speculation.
5. POSITIVE CHRISTIANITY: The right of the true people to practice their Faith — including prayers in schools.

★ ★ WHAT THE KLAN IS ★ ★

The Invisible Empire is a fraternal, patriotic movement promoting the ideals of Western Christian Civilization. It is not merely a "social association," but a dynamic, crusading White movement of world-historical perspective seeking the establishment of a new order upon the earth. It is a duly incorporated, legally recognized institution, working to rebuild our collapsing society on the basis of the principles: Honor, Honesty, Duty, Courage, Brotherhood, and Patriotism. The Klan is referred to as the Invisible Empire because it is indeed a whole new community in itself. As the Ku Klux Klan strives toward the ideals it wants for the nation tomorrow, it lives by those ideals today. We are the generation of tomorrow, today.

★ ★ THE ORIGIN OF THE NAME "KU KLUX KLAN" ★ ★

The name Ku Klux Klan comes from the Greek word KUKLOS, meaning circle, wheel, or band. This name was chosen because in it is contained some of the unique characteristics of the White (or Aryan) race. The wheel is certainly the best symbol of creativity; hence the creativity of the White race,

and the circle is the oldest symbol of unity. KUKLOS thought about in this context simply means White Racial Brotherhood. Ku Klux was simply taken from the word KUKLOS and Klan was added.

★ ★ THE KLAN SYMBOL ★ ★

The bloodrop is the Klan symbol. It is composed of a white Christian cross on a red circle background with four "K"'s superimposed around the cross. In the center of the cross is a drop of blood symbolizing the blood of Christ who died for our sins.

Through the centuries no symbol has better represented the white race better than the blooddrop.

★ ★ THE FIERY CROSS ★ ★

The fiery cross is used as a Klan symbol representing the ideals of Christian civilization. In no way does it represent a desecration of the cross, for it actually represents the lighting of the cross, that is, the truth and the light of our sacred doctrine: The Blazing Spirit of western Christian Civilization. It must be said that the Fiery Cross was used in Scottish history as a signal of opposition to tyranny and obedience to God.

★ ★ THE KLAN ROBE AND HOOD ★ ★

The Klan robe and hood has never been used by Klansmen for the purpose of wrongdoing. In many of the old Christian rituals, as illustrated by the carrying of the Pastas in Spain, the hood was worn as a symbol of humility, of anonymity in doing good works. This was the conception of the hood when the Klan was ably led by General Forrest, and this is its true meaning for us in our Klan ritual — selfless dedication to our God, our nation, our race and our movement.

★ ★ PREREQUISITES OF CITIZENSHIP IN THE INVISIBLE EMPIRE ★ ★

The Invisible Empire is not an "open membership" organization. Only those who meet our qualifications 100% are allowed into our ranks.

No person is allowed in this movement who hasn't enough honor to assume a real oath and keep it inviolate.

No person is allowed in our ranks who cannot swear an unqualified allegiance to the Constitution

of the United States.

No person is allowed in this movement who cannot pledge themselves to the protection, preservation and advancement of the White Race.

No person is allowed in this movement who cannot practice real brotherhood toward all of his fellow citizens.

Only White, Non-Jewish American citizens at least eighteen years old, who pledge to dedicate their lives to this cause can enter the Invisible Empire.

The Invisible Empire is a strictly law-abiding organization, and every citizen is sworn to uphold the law and the principles of justice, and that he will not conspire with other Klansmen any illegal, violent acts.

The Invisible Empire Knights of the Ku Klux Klan concedes the right of every citizen the right to worship God as he sees fit, and will not tolerate any denominational discrimination of any nature. All White Christians must at this juncture in history — unite and work together against our common Marxist enemy which would utterly destroy the Christian faith. Catholics as well as Protestants who hold only in our doctrines are eligible for members.

★ ★ ON THE NEGRO QUESTION ★ ★

The Invisible Empire does not consider itself the enemy of the Negro race. In any way both races can develop their full potential and culture is through racial separation. The Klan will oppose integration and all its manifestations including the high black crime rate, racial intermarriage, the destruction of our schools, lowering of labor standards, etc.

★ ★ WHY THE KU KLUX KLAN IS THE ONLY MOVEMENT THAT CAN SAVE AMERICA ★ ★

Men and women are drawn to our Movement everyday from all parts of the United States and from all corners of the world. Always a few of them will ask, "okay, I believe in what you are fighting for but why do you use that name, the Ku Klux Klan, isn't there a name you could use that will give you less problems and trouble?"

What these people do not realize is that if we did not stand up honestly and use the historical and true name of our Movement, in all likelihood, they would have never heard of us! The media masters can block out from the American people an innocuous sounding

EXHIBIT 30

Mary Handy and family

If you think you've
got it bad now, you
ain't seen nothing yet.
Be thankful it's only
property damage, before
you are someone in
your family experiences
physical pain. And I
will be more than facial
injuries like your daughters
friends did to that one
youth. Beware

White Unity of PINOLE

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